



भारत का राजपत्र

The Gazette of India

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 17] नई दिल्ली, शनिवार, अप्रैल 29, 1967/वैशाख 9, 1889

No. 17] NEW DELHI, SATURDAY, APRIL 29, 1967/VAISAKHA 9, 1889

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

नोटिस

NOTICE

[नीचे लिखे भारत के असाधारण राजपत्र 14 अप्रैल, 1967 तक प्रकाशित किये गये।

The undermentioned Gazettes of India Extraordinary were published upto the 14th April, 1967 :—

Issue No.	No. and Date	Issued by	Subject
203.	S. O. 1259, dated 10th April, 1967.	Election Commission, India.	Calling upon the elected members of the Legislative Assembly of the State of Tripura to elect person to fill the vacancy in the Council of States.
	S. O. 1260, dated 10th April, 1967.	Do.	Appointment of dates for the above election (S. O. 1259).
	S. O. 1261, dated 10th April, 1967.	Do.	Fixation of hours for the above election (S. O. 1259).
	S. O. 1262, dated 10th April, 1967.	Do.	Designating the District Magistrate and Collector, Tripura, to be the Returning officer for the above election (S. O. 1259).
	S. O. 1263, dated 10th April, 1967.	Do.	Appointment of Additional District Magistrate and Collector (Revenue), Tripura, to assist the Returning officer for the above election, (S.O. 1259).

Issue No.	No. and Date	Issued by	Subject
204.	S. O. 1264, dated 10th April, 1967.	Election Commission India	Designating the Deputy Secretary, Jammu & Kashmir Legislative Council, to be the Returning officer for the election to the Council of States.
	S. O. 1265, dated 10th April, 1967.	Do.	Appointment of the Under Secretary, Jammu and Kashmir Legislative Council to assist the Returning officer for the election to the Council of States.
	S. O. 1266, dated 10th April, 1967.	Do.	Designating the Deputy Secretary Jammu and Kashmir Legislative Council to be the Returning Officer for the election to the Council of States.
	S. O. 1267, dated 10th April, 1967.	Do.	Appointing the Under Secretary, Jammu and Kashmir Legislative Council to assist the Returning officer for the election to the Council of States.
205.	S. O. 1268, dated 10th April, 1967.	Ministry of Information & Broadcasting	Approval of the films as specified therein.
206.	S. O. 1269, dated 10th April, 1967.	Ministry of Law.	Result of the bye-election in the Council of States of Punjab.
	S. O. 1270, dated 10th April, 1967.	Do.	Result of the bye election in the Council of States of Haryana.
207.	S. O. 1271, dated 10th April, 1967.	Ministry of Commerce	Further amendment to the Export ^s (control) order, 1962
208.	S.O. 1272, dated 10th April, 1967.	Do.	Reconstitution of the Central Silk Board.
209.	S. O. 1273, dated 11th April, 1967.	Ministry of Food, Agriculture, Community Development and Cooperation.	Amendment to S. O. No. 75, dated 2nd January, 1967.
210.	S. O. 1274, dated 11th April, 1967.	Ministry of Law.	Result of the bye-election in the Council of States of Bihar.
211.	S. O. 1275, dated 11th April, 1967.	Ministry of Commerce.	The Cotton and Staple Fibre Textiles Mills (Regulation of Working) Amendment Order ^r 1967.
212.	S. O. 1276, dated 11th April, 1967.	Election Commission, India	Designating the Additional District Magistrate and Collector (Revenue), Tripura, to be the Returning officer for the election to the Council of States.
	S. O. 1277, dated 11th April, 1967.	Do.	Appointing, the Deputy Collector ^r (Land Acquisition), District Magistrate's office, Tripura Agartala, to assist the Returning Officer for the election to the Council of States.
213.	S. O. 1329, dated 12th April, 1967.	Do.	Calling upon the elected members of the Legislative Assembly of the State of Assam to elect a person to fill the vacancy in Council of States.

Issue No.	No. and Date	Issued by	Subject
	S.O. 1330 dated, 12th April, 1967.	Selection Commission India	Appointment of dates for the above election (S.O. 1329.)
	S. O. 1331, dated 12th April, 1967.	Do.	Fixation of hours for the above election (S.O. 1329).
	S. O. 1332, dated 12th April, 1967.	Do.	Designating the Secretary, Assam Legislative Assembly to be the Returning officer for the above election (S. O. 1329).
	S. O. 1333, dated 12th April, 1967.	Do.	Appointing the Under Secretary, Assam Legislative Assembly to assist the Returning officer for the above election (S. O. 1329)
214.	S. O. 1334, dated 12th April, 1967.	Do.	Calling upon the elected members of the Legislative Assembly of the State of Assam to elect a person to fill the vacancy in the Council of States.
	S. O. 1335, dated 12th April, 1967.	Do.	Appointment of dates for the above election (S. O. 1334).
	S. O. 1336, dated 12th April, 1967.	Do.	Fixation of hours for the above election (S. O. 1334)
	S. O. 1337, dated 12th April, 1967.	Do.	Designating the Secretary, Assam Legislative Assembly to be the Returning officer for the above election (S.O. 1334).
	S. O. 1338, dated 12th April, 1967.	Do.	Appointing the Under Secretary, Assam Legislative Assembly to assist the Returning officer for the above election (S. O. 1334).
215.	S. O. 1339, dated 12th April, 1967.	Ministry of Home Affairs.	Nomination of three persons to the Legislative Assembly of Tripura.
216.	S.O. 1340, dated 12th April, 1967.	Ministry of Health and Family Planning.	Nomination of Dr. S. Chandrasekhar, as the President of the Post Graduate Institute of Medical Education and Research, Chandigarh.
	S. O. 1341, dated 12th April, 1967.	Do.	Nomination of Shri T. R. Seshadri, President, Indian Science Congress Association representing the said Association and some persons as members of the Post-Graduate Institute of Medical Education and Research, Chandigarh as mentioned therein.
	S. O. 1342, dated 12th April, 1967.	Do.	Nomination of some more persons to be members of the Post-Graduate Institute of Medical Education and Research Chandigarh.

Issue No.	No. and Date	Issued by	Subject
217.	S. O. 1343, dated 12th April, 1967.	Ministry of Food, Agriculture, Community Development and Cooperation,	Amendment to S. O. No. 3264, dated 29th October, 1966.
218.	S. O. 1344, dated 12th April, 1967.	Ministry of Law.	Declarations containing the names of the candidates elected to the respective Parliamentary Constituencies as mentioned therein.
219.	S. O. 1345, dated 13th April, 1967.	Ministry of Commerce.	Further amendment to the Exports (Control) Order, 1962.
220.	S. O. 1346, dated 13th April, 1967.	Do.	Extending the date of effect of Order No. S. O. 1196, dated 13th April, 1966 for a further period of three months from the 13th April, 1967.
221.	S. O. 1347, dated 13th April, 1967.	Do.	Further amendment to the Exports (Control) order, 1962.
222.	S. O. 1348, dated 13th April, 1967.	Ministry of Labour, Employment and Rehabilitation.	Constitution of an Industrial Tribunal between certain employers mentioned therein and their Workmen.
	S. O. 1349, dated 13th April, 1967	Do.	Prohibition of the Continuance of a strike in existence in connection with an industrial dispute as mentioned therein.
223.	S.O. 1350, dated 14th April, 1967.	Election Commission India.	Further Amendments in notification No. 464-HP/HP/67, dated 13th January, 1967.

ऊपर लिखे असाधारण राजपत्रों की राजपत्रों प्रकाशन प्रबन्धक, सिविल लाइन्स, दिल्ली के नाम मांगपत्र भेजने पर भेज दी जाएगी। मांगपत्र प्रबन्धक के पास इन राजपत्रों के जारी होने की तारीख से 10 दिन के भीतर पहुँच जाने चाहिए।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

भाग II—खण्ड 3—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किए गए विधिक आदेश और अधिसूचनाएँ।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

MINISTRY OF HOME AFFAIRS

New Delhi, the 15th April 1967

S.O. 1456.—In exercise of the powers conferred by sub-section (1) of section 492 of the Code of Criminal Procedure, 1898 (5 of 1898), the Central Government hereby

appoints Shri V. P. Raman, Advocate of Madras, as Public Prosecutor to conduct before the High Court of Judicature at Madras Criminal Appeal No. 810 of 1966 (Daniel Hailey Walcott *versus* State of Madras), and Criminal Appeal No. 815 of 1966 (Jean Claude Donze *versus* State of Madras).

[No. 225/5/66-AVD-II.]

N. SRINIVASAN, Under Secy.

New Delhi, the 18th April 1967

S.O. 1457.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor-General of India in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Central Civil Services (Classification, Control and Appeal) Rules, 1965, namely:—

1. These rules may be called the Central Civil Services (Classification, Control and Appeal) Second Amendment Rules, 1967.

2. In rule 24 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, after sub-rule (2), the following sub-rule shall be added, namely:—

“(3) A Government servant may prefer an appeal against an order imposing any of the penalties specified in rule 11 to the President, where no such appeal lies to him under sub-rule (1) or sub-rule (2), if such penalty is imposed, by any authority other than the President, on such Government servant in respect of his activities connected with his work as an office-bearer of an association, federation, or union participating in the Joint Consultation and Compulsory Arbitration Scheme.”

[No. 7/4/64-Ests (A).]

P. S. VENKATESWARAN, Under Secy.

New Delhi, the 20th April 1967

S.O. 1458.—In pursuance of clause (1) of article 239 of the Constitution the President hereby directs that the powers of the Central Government under sub-section (2) of section 5 and section 6 of the Delhi Municipal Corporation Act, 1957 (66 of 1957) shall, subject to the control of the President and until further orders, be exercised by the Administrator of the Union territory of Delhi.

[No. F. 3/6/66-Delhi.]

A. D. PANDE, Jt. Secy.

New Delhi, the 20th April 1967

S.O. 1459.—In exercise of the powers conferred by sub-section (1) of section 12 of the Code of Criminal Procedure, 1898 (5 of 1898), and in supersession of the notification of the Government of India in the Ministry of Home Affairs, No. S.O. 1568 dated the 10th May, 1965, the Central Government hereby appoints Shri M. K. Mukundan to be a Magistrate of the second class in the district of the Amindivi Islands, and defines the said district as the local area within which Shri M. K. Mukundan may exercise all or any of the powers with which he may be invested under the said code.

[No. 1/2(6)/67-ANL.]

S.O. 1460.—In exercise of the powers conferred by Section 37 of the Code of Criminal Procedure, 1898 (5 of 1898) the Central Government hereby invests Shri M. K. Mukundan with all the powers specified in the fourth Schedule to the said Code with which a Magistrate of the second class may be invested by the State Government.

[No. 1/2(6)67-ANL(I).]

Y. D. SEHGAL, Under Secy.

New Delhi, the 22nd April 1967

S.O. 1461.—In exercise of the powers conferred by section 44 of the Arms Act, 1959 (54 of 1959), the Central Government hereby makes the following rules further to amend the Arms Rules, 1962, namely:—

1. These rules may be called the Arms (Amendment) Rules, 1967.
2. In Schedule II to the Arms Rules, 1962, for the word "Tahsildar", wherever it occurs, the word "any Officer" shall be substituted.

[No. 15/1/67-P.IV.]

G. L. BAILUR, Under Secy.

CORRIGENDUM

New Delhi, the 24th April 1967

S.O. 1462.—In this Ministry's notification No. 28/137/66-Pub.I, dated the 28th March, 1967 published in the Gazette of India, Part II Section 3, Sub-section (II), dated the 8th April, 1967, as S.O. 1140, insert "1" after the word "Column" occurring in the 11th line thereof.

[No. 28/137/66-Pub.I.]

R. A. S. MANI, Under Secy.

MINISTRY OF FINANCE

(Department of Expenditure)

New Delhi, the 15th April 1967

S.O. 1463.—In pursuance of the provisions of rule 45 of the Fundamental Rules, the President is pleased to make the following further amendment to the Supplementary Rules issued with the Government of India, Finance Department, letter No. 104-CSR dated the 4th February, 1922, namely:—

In Part VIII of the said rules, in Division XXVI, for S.R. 316-A, the following shall be substituted, namely:—

"S.R. 316-A(1) If,—

- (a) the officer to whom a residence is allotted dies or retires from the service or is dismissed or removed from the service; or
- (b) the services of the officer to whom a residence is allotted have been terminated,

the allotment to him of the residence shall be cancelled with effect from one month of the date of his death, retirement, dismissal, removal or of termination of his services as the case may be, or with effect from any date after such death, retirement, dismissal, removal or termination on which the residence is actually vacated whichever is earlier.

(2) Notwithstanding anything contained in sub-rule (1), when an officer is dismissed or removed from the service or when his services have been terminated and the Head of the Department in respect of the office in which such officer was employed immediately before such dismissal, removal or termination is satisfied that it is necessary or expedient in the public interest so to do, he may require the competent authority to cancel the allotment of the residence made to such officer either forthwith or with effect from such date prior to the expiry of the period of one month referred to in sub-rule (1) as he may specify and the competent authority shall act accordingly."

[No. 11(18)/67-W&E.]

S. S. PRADHAN, Under Secy.

(Department of Economic Affairs)*New Delhi, the 17th April 1967*

S.O. 1464.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of Section 9 of the said Act shall not apply to the Bari Doab Bank Ltd., Hoshiarpur in respect of the properties held by it at Premgarh, Hoshiarpur District, Punjab and at Kotwal, Ferozepur District, Punjab, till the 15th March 1968.

[No. F. 15(7)-BC/67.]

New Delhi, the 22nd April 1967

S.O. 1465. —State ment of the Affairs of the Reserve Bank of India as on the 14th April, 1967

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital Paid up	5,00,00,000	Notes	18,12,76,000
		Rupee Coin	5,75,000
Reserve Fund	80,00,00,000	Small Coin	3,66,000
National Agricultural Credit (Long Term Operations) Fund	115,00,00,000	Bills Purchased and Discounted :—	
		(a) Internal	..
		(b) External	..
		(c) Government Treasury Bills	240,52,70,000
National Agricultural Credit (Stabilisation) Fund	16,00,00,000	Balances Held Abroad*	41,58,55,000
National Industrial Credit (Long Term Operations) Fund	20,00,00,000	Investments**	199,49,07,000
		Loans and Advances to	
		(i) Central Government	..
		(ii) State Governments @	87,44,41,000

Deposits :

(a) Government—

(i) Central Government	80,65,27,000
(ii) State Governments	20,66,24,000

(b) Banks—

(i) Scheduled Commercial Banks	132,19,57,000
(ii) Scheduled State Co-operative Banks	7,26,96,000
(iii) Non-Scheduled State Co-operative Banks	57,71,000
(iv) Other Banks	6,86,000

(c) Others 268,68,61,000

Bills Payable 35,29,93,000

Other Liabilities 111,80,01,000

Rupees 893,21,16,000

Loans and Advances to :—

(i) Scheduled Commercial Banks†	65,23,36,000
(ii) State Co-operative Banks††	142,31,16,000
(iii) Others	3,68,55,000

Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund—

(a) Loans and Advances to :—

(i) State Governments	28,29,86,000
(ii) State Co-operative Banks	11,79,75,000
(iii) Central Land Mortgage Banks	..

(b) Investment in Central Land Mortgage Bank Debentures 7,11,93,000

Loans and Advances from National Agricultural Credit (Stabilisation) Fund—

Loans and Advances to State Co-operative Banks . . . 3,38,97,000

Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund—

(a) Loans and Advances to the Development Bank . . . 5,24,15,000

(b) Investment in bonds/debentures issued by the Development Bank

Other Assets 38,86,53,000

Rupees 893,21,16,000

*Includes Cash and Short-term Securities.

**Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@ Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. 40,87,95,000 advanced to Scheduled Commercial Banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 19th day of April, 1967.

An account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 14th day of April, 1967

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	18,12,76,000		Gold Coin and Bullion :—		
Notes in Circulation	3117,79,10,000		(a) Held in India	115,89,25,000	
Total Notes issued		3135,91,86,000	(b) Held outside India		
			Foreign Securities	186,42,01,000	
			TOTAL		302,31,26,000
			Rupee Coin		73,69,01,000
			Government of India Rupee Securities		2759,91,59,000
			Internal Bills of Exchange and other commercial paper		
TOTAL LIABILITIES		3135,91,86,000	TOTAL ASSETS		3135,91,86,000

Dated the 19th day of April, 1967.

P. C. BHATTACHARYYA,
Governor.

[No. 2. 3(3)-BC/67.]
V. SWAMINATHAN, Under Secy.

CORRIGENDUM

"In the Statement of Affairs of the Reserve Bank of India, Banking Department as on 10th March 1967, published on pages 788-789, Part II, Section 3(ii) of the Gazette of India dated 25th March 1967, the date of the Statement as appearing in the heading viz. 'Statement of Affairs of the Reserve Bank of India as on 6th March 1967' should be read as 10th March 1967 instead of 6th March 1967 shown therein".

(Department of Revenue and Insurance)**INCOME-TAX***New Delhi, the 6th April 1967*

S.O. 1466.—In exercise of the powers conferred by sub-section (6) of Section 88 of the Income-tax Act, 1961, the Central Government hereby notifies Sri Subramaniamswami Temple, Kumarayalur, Madras State to be of a place of public worship of renown throughout the Madras State for the purpose of the said section.

[No. 24—F. No. 16/6/67-IT(AI).]

J. C. KALRA, Dy. Secy.

(Department of Revenue and Insurance)**CUSTOMS***New Delhi, the 22nd April 1967*

S.O. 1467.—In exercise of the powers conferred by section 6 of the Customs Act, 1962 (52 of 1962), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Finance (Department of Revenue and Insurance) No. 132-Customs, dated 25th June, 1966, namely:—

In the said notification, in the Table, after the third item (that is to say after "Assistant Commissioner, Nancowrie") and the entries relating thereto, the following shall be inserted, namely:—

(1)	(2)	(3)
Additional Deputy-Commissioner Car-Nicobar.	All functions of an officer of customs below the rank of an assistant collector of customs except in regard to assessment and clearance of imported goods.	Through his jurisdiction

[No. 40/F. No. 22/3/67-Cus. IV.]

D. N. LAL, Dy. Secy.

(Department of Revenue & Insurance)**CUSTOMS***New Delhi, the 22nd April 1967*

S.O. 1468.—In exercise of the powers conferred by clause (a) of section 7 read with clause (a) of sub-section (3) of section 160 of the Customs Act, 1962 (52 of 1962), the Central Government hereby makes the following amendment to the notification of the late Central Board of Revenue No. 85-Customs dated the 9th September 1950, namely:—

In the Schedule annexed to the said notification Serial Numbers 1 and 2 and the entries relating thereto and the brackets and words "(at the mouth of the river Mahanadi)" occurring in the third column against Serial number 4 shall be omitted.

[No. 44/F. No. 14/6/66-LC.II.]

M. S. SUBRAMANYAM, Under Secy.

CENTRAL BOARD OF DIRECT TAXES**INCOME-TAX***New Delhi, the 15th April 1967*

S.O. 1469.—In exercise of the powers conferred by Section 126 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby deletes

Serial Nos. 46, 47, 48, 50 and 51 and the entries thereagainst from the Schedule annexed to its Notification S.R.O. 1211 (No. 44-Income-tax), dated the 1st July, 1952.

[No. 2 (F. No. 55/45/67-IT).]

A. RAGHAVENDRA RAO, Under Secy.

INCOME-TAX

New Delhi, the 24th April 1967

S.O. 1470.—In exercise of the powers conferred by sub-section (i) of section 122 of the Income-tax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf, the Central Board of Direct Taxes, hereby makes the following further amendment in the Schedule appended to its Notification No. 17 (F. No. 50/4/66-ITJ) dated the 14th January, 1966 namely:

(a) Against Poona Range I, Poona under column 2 the following shall be added:—

11. Addl. G-Ward, Poona

(b) Against Poona Range II, Poona under Column 2 the following shall be added:—

13. Addl. Companies Circle, Poona.

Explanatory Note

The amendment has become necessary on account of creation of two new wards in the Commissioner's charge.

(This note does not form part of the notification, but is intended to be merely clarificatory).

[No. 29 (F.No.50/88/67-ITJ).]

P. G. GANDHI, Under Secy.

OFFICE OF THE COLLECTOR OF CUSTOMS & CENTRAL EXCISE: SHILLONG

CENTRAL EXCISE

Shillong, the 22nd February 1967

S.O. 1471.—In pursuance of Board's order communicated under their Circular letter No. Misc. No. 51/66-CX-I (F. No. 35/8/65-CX-1), dated the 8th December, 1966, it has now been decided that powers of Collector under Rules 191-A and 191-B be delegated to the Assistant Collectors of Central Excise in all procedural respects, except in regard to the approval of the formula of manufacture.

It is felt that in view of the revenue implications of the approval of the formula contemplated in Rules 191-A and 191-B, the Collector will continue to exercise this function.

However, Assistant Collectors concerned, may give provisional approval to the manufacturing formula in emergent cases subject to the scrutiny and approval by the Collector.

[No. 1/CE/67.]

A. K. BANDYOPADHYAY, Collector.

OFFICE OF THE COLLECTOR OF CENTRAL EXCISE: MADHYA PRADESH AND VIDARBHA

Nagpur, the 15th April 1967

S.O. 1472.—In exercise of the powers conferred under Rules 15 and 16 of the C. Ex. Rules, 1944, I hereby notify that the following further amendment shall be made in this Collectorate Notification No. 13/1960 C. Ex. dated the 7th June 1960 as amended from time to time.

2. The jurisdiction of Revenue District specified in Col. 2 of S. No. 25 may be read as 'Bilaspur District except Khutaghat Tankbed area of Katghora Tahsil, and Khudia, Dhamras, Amar and other tankbed areas of Mungeli Tahsil'.

[No. 1/1967.]

[C. No. V(a)24-31/T/63.]

VIPIN MANEKLAL, Collector.

MINISTRY OF PETROLEUM & CHEMICALS

New Delhi, the 15th April 1967

S.O. 1473.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemicals S.O. No. 3540 dated the 14th November, 1966 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipelines;

And whereas competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And, whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (i) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands, shall instead of vesting in the Central Government, vest on the date of the publication of this declaration in the Oil and Natural Gas Commission free from all encumbrances

SCHEDULE

State—Gujarat	Distt.—Broach	Taluka—Broach		
Village	Survey No.	Hectare	Acre	Prati Acre
Paguthan	273/2	0	8	36
"	273+3+4+5	0	2	4
Rahadpur	31/2	0	2	40
"	31/1	0	15	92
"	30/2	0	4	30
"	75	0	29	89
"	76	0	5	35
"	25/2	0	14	86
Kahan	177/9	0	22	50
"	186/6,B	0	1	86
"	85/3+85/4	0	31	47

[No. 31/38/63-Prod. (Vol. 6.).]

ERRATUM

New Delhi, the 18th April 1967

S.O. 1474.—In notification of Government of India in the Ministry of Petroleum and Chemicals S.O. No. 3023 dated the 24th August, 1964 published in the Gazette of India Part II Section 3 in the Sub-section (ii) dated 5th September, 1964 at page 3392, for area of S. No. 238 of Village Piludra:—

For
A. G. Sq. yds.
1—6—3

A. G. Sq. yds.
0—17—9

Read
H. Are P Ars:
0—17—30

[No. 31/38/63-Prod. Vol. 4.]

C. P. JACOB, Under Secy.

MINISTRY OF COMMERCE*New Delhi, the 14th April 1967*

S.O. 1475.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order further to amend the Textiles (Production by Powerlooms) Control Order, 1956, namely:—

1. This Order may be called the Textiles (Production by Powerlooms) Control Amendment Order 1967.
2. In the Textiles (Production by Powerlooms) Control Order, 1956, after clause 11, the following clause shall be inserted, namely:—

“12. *Appeal.* Any person aggrieved by an order of the Textile Commissioner made under this Order may prefer an appeal to the Central Government within thirty days of the date of communication of such order and the decision of the Central Government thereon shall be final.”

[No. 4(42)/65-TEX(C).]
K. SRINIVASAN, Dy. Secy,

COFFEE CONTROL*New Delhi, the 18th April 1967*

S.O. 1476.—In pursuance of clause (a) of sub-section (2) of section 4 of the Coffee Act 1942 (7 of 1942), the Central Government hereby appoints Shri A. S. E. Iyer as Chairman of the Coffee Board for a further period from the 12th March 1967 upto the 30th June, 1967.

[No. 9(2)Plant (B)/65.]

S. BANERJEE, Dy. Secy.

(Office of the Jt. Chief Controller of Imports and Exports)

(Central Licensing Area)

ORDER*New Delhi, the 17th March 1967*

S.O. 1477.—Whereas Messrs. Continental Chemical Industries, Shed No. 3, Rural Industrial Estate, Sohana, Distt. Rohtak or any bank or any other person have not come forward furnishing sufficient cause, against Notice No. JCCI&E(CLA)C-7/66/2853, dated 15th February, 1967, proposing to cancel licence No. P/SS/1574000/C/XX/23/CD-23-24/Spl. Licence, dated 2nd September, 1966, for the import of Aromatic Chemicals, Natural Essential Oils Resinoid wax etc. for Rs. 10,000 granted to M/s. Continental Chemical Industries, Shed No. 3, Rural Industrial Estate, Sohana, Distt. Rohtak by the Joint Chief Controller of Imports and Exports (Central Licensing Area), New Delhi, Government of India, in the Ministry of Commerce in exercise of the powers conferred by the Clause 9 of the Import (Control) Order, 1955, hereby cancel the said licence No. P/SS/1574000/C/XX/23/CD/23-24, dated 2nd September, 1966, issued to M/s. Continental Chemical Industries, Shed No. 3, Rural Industrial Estate, Sohana, Distt. Rohtak.

M/s. Continental Chemical Industries,
Shed No. 3, Rural Industrial Estate,
Sohana (Distt. Rohtak).

[No. C-7/66/ENF/CLA/3332.]

K. RAJARAMAN,

Jt. Chief Controller of Imports and Exports.

(Office of the Chief Controller of Imports and Exports)

ORDER*New Delhi, the 18th April 1967*

S.O. 1478.—In exercise of the powers conferred by clause 9 of the import control order 1955, dated 7th December 1955 as amended the undersigned hereby

cancels the Exchange Control Purposes copy of Import Licence No. G/AU/1028124/c/xx/22/c/h/22 dated 6th May 1966 for the import of Plenty size 6" simplex filter 2Nos. Plenty size 10" simplex 2Nos. Valued at Rs. 10,413/- issued in favour of the Chief Engineer (Hydro Electric) Assam State Electricity Board, Shillong.

The reason for the cancellation is that the customs and Exchange Control Purposes copies have been lost/misplaced by the licensee, who has requested for the issue of duplicate licence in lieu thereof

[No. 2/SG/45/66-67/LIB.]

S. A. SESHAN,

Dy Chief Controller of Imports & Exports
for Chief Controller of Imports & Exports.

MINISTRY OF HEALTH AND FAMILY PLANNING

New Delhi, the 15th April 1967

S.O. 1479.—In exercise of the powers conferred by section 21 of the Drugs and Cosmetics Act, 1940 (23 of 1940), the Central Government hereby appoints Shri Kollappallil Sebastian George, Drugs Inspector, Central Drugs Standard Control Organisation, Ghaziabad, as an inspector for the purposes of the said Act for the whole of India.

[No. F. 2-4/66-D.]

AMAR NATH VARMA, Under Secy.

(Department of Health)

New Delhi, the 18th April 1967

S.O. 1480.—Whereas in pursuance of clause (f) of sub-section (2) of Section 3 of the Prevention of Food Adulteration Act, 1954 (37 of 1954), the Central Government has nominated Dr. B. D. Sharma, Municipal Health Officer, Delhi Municipal Corporation, Delhi as a member of the Central Committee of Food Standards vice Lt. Col. R. R. Rao, resigned;

And, whereas, in pursuance of clause (e) of sub-section (2) of section 3 of the said Act, the State Government of Haryana has nominated Dr. B. D. Narang, Public Analyst, Haryana, Chandigarh, as a member of the said Committee representing that Government;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendments in the notification of the Government of India in the late Ministry of Health No. SRO-1236 dated the 1st June, 1965, namely:—

In the said notification:—

- (a) against item 23, for the entry "Lt. Col. R. R. Rao, Municipal Health Officer, Municipal Corporation of Delhi, Delhi", the following entry shall be substituted, namely:—

"Dr. B. D. Sharma, Municipal Health Officer, Delhi Municipal Corporation, Delhi.";

- (b) after item 30, the following item shall be added, namely:—

"31. Dr. B. D. Narang, Public Analyst, Haryana, Chandigarh" being the representative nominated by the Government of the State of Haryana under clause (e) of sub-section (2) of section 3

[No. F. 14-25/67-PH.]

M. C. JAIN, Under Secy.

(Department of Health)

ORDERS

New Delhi, the 22nd April 1967

S.O. 1481.—Whereas the Government of India in the late Ministry of Health has by notification No. F. 16-14/59-MPT, dated the 30th March, 1960, made in exercise of the powers conferred by sub-section (1) of section 14 of the Indian

Medical Council Act, 1956 (102 of 1956), recognised the medical qualification 'M.D.' granted by the Baylor University (United States of America) for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by the proviso to sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby specifies a further period ending on the 31st December, 1967 or so long as Dr. R. G. Burrows, who possesses the said qualification, continues to work in the Makunda Leprosy Colony and Hospital, Chachar, Assam to which he is attached for the time being for the purposes of teaching, research or charitable work, whichever is shorter, as the period to which the medical practice of the said Dr. R. G. Burrows shall be limited.

[No. F. 19-44/66-MPT.]

S.O. 1482.—Whereas the Government of India in the late Ministry of Health has, by notification No. 16-7/62-MI, dated the 31st January, 1963, made in exercise of the powers conferred by sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), recognised the medical qualification "Doctor of Medicine" granted by the University of Basel, Switzerland for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by the proviso to sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby specifies a further period of two years with effect from the 31st January, 1967 or so long as Dr. (Miss) M. Pflugfelder who possesses the said qualification, continues to work in the B.E.M. Hospital, Udipi, South Kanara District, Mysore State to which she is attached for the time being for the purposes of teaching, research or charitable work, whichever is shorter, as the period to which the medical practice of the said Dr. (Miss) M. Pflugfelder shall be limited, provided that during this period she continues to be enrolled as a medical practitioner in accordance with the law regulating the registration of medical practitioners in her country

[No. F. 19-7/67-MPT.]

V. K. SAMANTROY, Under Secy.

MINISTRY OF TRANSPORT AND SHIPPING

(Transport Wing)

MERCHANT SHIPPING

New Delhi, the 15th April 1967

S.O. 1483.—In pursuance of clause (a) of sub-section (1) of section 283 of the Merchant Shipping Act, 1958 (44 of 1958), the Central Government hereby declares that the Government of Ireland and the Government of Brazil have accepted the Safety Convention as defined in clause (37) of section 3 of the said Act that is to say, the Convention for the Safety of Life at Sea signed in London on the seventeenth day of June nineteen hundred and sixty, as amended from time to time.

[No. F. 46-MA(10)/66.]

B. B. LAL, Under Secy.

MINISTRY OF TOURISM & CIVIL AVIATION

New Delhi, the 14th April 1967

S.O. 1484.—In exercise of the powers conferred by section 4 of the Air Corporations Act, 1953 (27 of 1953) and in supersession of all previous notifications and orders, the Central Government hereby directs that with effect from the 15th April, 1967, Air-India Corporation shall consist of the following members:—

1. Shri J. R. D. Tata
2. Shri T. P. Singh, Secretary, Ministry of Finance (Department of Expenditure).
3. Air Chief Marshal Arjan Singh, Chief of Air Staff.
4. Air Marshal M. S. Chaturvedi, General Manager, Air-India.

5. Shri A. S. Bam, General Manager, Indian Airlines.
6. Shri J. N. Goyal, Joint Secretary, Ministry of Tourism & Civil Aviation.
7. Shri S. Mohan Kumaramangalam.
8. Shri K. N. Mookerjee,

and appoints Shri J. R. D. Tata as Chairman of the said Corporation.

[No. 3-CA(13)/66.]

T. ARUMUGHAM, Dy. Secy.

MINISTRY OF EDUCATION

New Delhi, the 17th April 1967

In the matter of the Charitable Endowments Act, 1890

And

In the matter of the National Foundation for Teachers' Welfare, New Delhi

S.O. 1485.—Substitution of the following for para 3 in Schedule 'B' to this Ministry's notification, S.O. 1955, dated the 25th June, 1962, as amended by notification dated the 4th June, 1964 is hereby notified:—

"3. For the management and administration of the funds of the Foundation, a General Committee shall be constituted, consisting of the following members, namely:—

- (a) Union Education Minister—Chairman (*ex-officio*)
- (b) Secretary to the Government of India, Ministry of Education—Vice Chairman (*ex-officio*)
- (c) Two persons—one each from—
 - (i) Ministry of Education, and
 - (ii) University Grants Commission, to be appointed by the Central Government.
- (d) Three persons nominated by the Chairman
- (e) Two Chairmen (or their nominees from amongst the members of the concerned State/Union Territory Working Committees) of two State Working Committees (including Union Territories, which have their own legislatures) to be appointed on yearly basis in alphabetical order of the States or aforesaid Union Territories as the case may be.
- (f) Secretary-Treasurer, to be appointed by the Chairman."

[No. F. 8-34/66-N.S. 4.]

P. D. SHUKLA,

Jt. Educational Adviser (S.&L.).

(Cultural Activities Division I

New Delhi, the 17th April 1967

S.O. 1486.—In exercise of the powers conferred on it by section 29 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (Act 24 of 1958), the Central Government hereby directs that the powers conferred on it by sub-section (1) of section 6 and sub-section (1) of section 9 of the said Act, shall be exercisable also by the Director-General of Archaeology, Archaeological Survey of India.

[No. F. 28/1/67-CAI(I).]

SHARDA RAO (Mrs.),

Asstt. Educational Adviser.

MINISTRY OF IRRIGATION & POWER*New Delhi, the 24th April 1967*

S.O. 1487.—The appointment of Shri B. S. R. Iengar, Deputy Director, Central Water & Power Commission (Power Wing), as Central Electrical Inspector, *vide* this Ministry's Notification No. EL-II-4(2)/67 dated the 11th April, 1967, will be effective from the 3rd January, 1967.

[No. EL-II-4 (2)/67.]

ORDER*New Delhi, the 5th April 1967*

S.O. 1488.—In exercise of the power conferred by sub-rule (2) of Rule 133 of the Indian Electricity Rules, 1956, the Central Government hereby directs that the provisions of—

- (i) Rule 118(a),
- (ii) Rule 119(1)(a),
- (iii) Rule 118(c),
- (iv) Rule 130, and
- (v) Rule 123(7)

of the said Rules shall be relaxed in respect of the use of the following apparatus in conjunction with one 3.3 KV Russian Electrical Excavator, Model EKG-4.6 serial No. 514:

1. One 100 Amps, 6.6 KV Oil circuit breaker made in U.S.S.R. Serial No. 345.
2. One 250 KW, 3.3 KV, 3 Phase Motor, U.S.S.R. make Serial No. 140046.
3. One 30 KVA, 3.3 KV/230 Volts, 3 Phase, Star/Star Transformer, neutral of 230 volts system insulated, Type TM-30/6T-3 Serial No. 816702.
4. One length of 250 metres, 3.3 KV grade, 4 core rubber insulated flexible trailing cable, Type KWB-T, 3×25 sq. m.m. power cores and 1×10 sq. m.m. earth core, not armoured, individually screened of sufficient current carrying capacity in keeping with the rating of the equipments installed in the shovel made in USSR, conforming to the Russian standard specification receiving incoming 3.3 KV supply from one 200 Amps, No. 2QSF/043.

In the Open Cast Mine at Deposit No. 14, Bailadilla Iron Ore Project of M/s. National Mineral Development Corporation Ltd., to the extent that (1) in relaxation of Rule 118(a), the portable motor driving the generator set in the shovel may be used at 3.3 KV, (2) in relaxation of Rule 119(1)(a), one 30 KVA, 3.3 KV/230 Volts, 3 Phase Star/Star Transformer with its associated equipment using energy at 3.3 KV may not be fixed apparatus as being installed on the portable shovel moving from place to place, the same having a portable sense, (3) in relaxation of Rule 118(c) the 127 Volts system of supply intended for use for lighting purposes within the shovel from 30 KVA, 3.3 KV/230 volts, 3 Phase transformer, the transformer having the neutral of the secondary insulated and as such the voltage of the system being obtained between a phase and insulated neutral and not between phases as contemplated in Rule 118(c), the 127 Volts system of supply is specially considered and may be used, (4) in relaxation of Rule 130, the neutral point of 30 KVA, 3.3 KV/230 Volts 3 Phase transformer may remain insulated and (5) in relaxation of Rule 123(7), the flexible cable not exceeding 250 metres in length may be used with the portable machine and that the relaxation shall be subject to the following conditions:

- (1) The 3.3 KV supply to the flexible cable should be provided with earth leakage protection.
- (2) The over current trips of the circuit breaker controlling 3.3 KV supply to the flexible cable shall be in keeping with the rating of the 3.3 KV motor driving the generator set installed in the portable machine.
- (3) The installation and wirings inside the shovel shall comply with the relevant provisions of the Indian Electricity Rules, 1956, in particular, Rules 115-117, 121, 124 and 125.

- (4) The flexible training cable should be connected to the electric supply system and the machine by properly constructed connector boxes or totally enclosed safe attachments.
- (5) The Excavating Machine along with the flexible trailing cable shall be worked and handled with due care so as to avoid danger arising out of any electrical defect or in the use. The insulation resistance of the high voltage circuit including the driving motor, shall at no time be less than 10 megohms.
- (6) The operators of the Shovel shall be trained and authorised for operating the shovel with competency and due care to avoid danger.
- (7) The unarmoured flexible cable supplied by the manufacturers shall be replaced by pliable armoured flexible cable of adequate current carrying capacity at an early date under intimation to the Central Government through the Electrical Inspector of Mines.

Provided that the aforesaid relaxation shall be valid for such time as the said machine is in use in the mine and due information shall be given to the Central Government through the Electrical Inspector of Mines as soon as the machine is taken out of the mine.

[No. EL.II-8/2/67(II).]

D. K. BASU, Dy. Director (Tech.)

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 18th April 1967

S.O. 1489.—In exercise of the powers conferred by Section 5(1) of the Cinematograph Act, 1952 and sub-rule (3) of rule 8 read with sub-rule 2 of rule 9 of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby appoints Shri T. V. Chidambaram after consultation with the Central Board of Film Censors, as a member of the Advisory Panel of the said Board at Bombay with immediate effect.

[No. 11/4/66-FC.]

R. L. JAIN, Under Secy.

DELHI DEVELOPMENT AUTHORITY

New Delhi, the 17th April 1967

S.O. 1490.—In pursuance of the provisions of sub-section (4) of Section 22 of the Delhi Development Act, 1957, the Delhi Development Authority has replaced at the disposal of the Central Government the land described in the schedule below with retrospective effect i.e. 2nd September 1947 for placing it at the disposal of the Land and Development Officer, Ministry of Works, Housing and Urban Development, Government of India, New Delhi for further transfer to the D.E.S.U. for electric sub-station in Paharganj.

SCHEDULE

Piece of land measuring about 319 sq. yds. bearing Khasra Nos. 819/762-763/217-218/1 situated in Paharganj Estate.

The above piece of land is bounded as follows:—

NORTH: Khasra No. 820/761/217-762/218-821/761/217-762/218.

SOUTH: Street Khasra No. 359.

EAST: Chuna Mandi Road, Khasra No. 211.

WEST: Khasra No. 764/218/1 Dargah Khawaja Khumari.

[No. L20(10)58PL]

M. L. MONGIA, Secy.

MINISTRY OF LABOUR, EMPLOYMENT & REHABILITATION**(Department of Labour & Employment)***New Delhi, the 15th April 1967*

S.O. 1491.—In exercise of the powers conferred by sub-section (1) of section 27 of the Payment of Bonus Act, 1965 (21 of 1965), and in supersession of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 1187, dated the 16th April, 1965, the Central Government hereby appoints the officers specified in column (1) of the Table below, to be Inspectors for the purposes of the said Act within the limits specified in the corresponding entries in column (2) thereof;

TABLE

Officer	Limits
(1)	(2)
I. <ol style="list-style-type: none"> 1. Chief Labour Commissioner (Central), New Delhi. 2. Deputy Chief Labour Commissioner (Central), New Delhi. 3. Deputy Chief Labour Commissioner (Central) (Training), New Delhi 4. Regional Labour Commissioners (Central), New Delhi. 5. Regional Labour Commissioners (Central) (Training), New Delhi. 6. Welfare Adviser to the Chief Labour Commissioner (Central), New Delhi. 7. Assistant Labour Commissioners (Central) (Training), New Delhi. 8. Labour Enforcement Officers (Central), New Delhi 	Whole of India except the State of Jammu and Kashmir.
II. <ol style="list-style-type: none"> 1. Regional Labour Commissioner (Central), Bombay. 2. Assistant Labour Commissioners (Central), Bombay. 3. Assistant Labour Commissioner (Central), Nagpur. 4. Assistant Labour Commissioner (Central), Vasco-da-gama. 5. Labour Enforcement Officers (Central), Bombay. 6. Labour Enforcement Officer (Central), Poona. 7. Labour Enforcement Officer (Central), Bhusawal. 8. Labour Enforcement Officer (Central), Nagpur. 9. Labour Enforcement Officer (Central), Chanda. 10. Labour Enforcement Officer (Central), Vasco-da-gama 11. Labour Enforcement Officer (Central), Ponda. 	The State of Maharashtra.
III. <ol style="list-style-type: none"> 1. Regional Labour Commissioner (Central), Calcutta. 2. Assistant Labour Commissioners (Central), Calcutta. 3. Assistant Labour Commissioner (Central), Shillong. 4. Labour Enforcement Officers (Central), Calcutta. 5. Labour Enforcement Officer (Central), Gauhati. 6. Labour Enforcement Officer (Central), Dibrugarh. 7. Labour Enforcement Officer (Central) Kharagpur. 8. Labour Enforcement Officer (Central), Lumding. 9. Labour Enforcement Officer (Central), Siliguri. 	The States of West Bengal (excluding the districts of Burdwan, Birbhum, Bankura and Purulia), Assam and Nagaland and the Union Territories of Manipur and Tripura.
IV. <ol style="list-style-type: none"> 1. Regional Labour Commissioner (Central), Madras. 2. Assistant Labour Commissioners (Central), Madras 3. Assistant Labour Commissioner (Central), Ernakulam. 4. Labour Enforcement Officers (Central), Madras. 5. Labour Enforcement Officer (Central), Tiruchirappalli. 6. Labour Enforcement Officer (Central), Coimbatore. 7. Labour Enforcement Officer (Central), Madurai. 8. Labour Enforcement Officer (Central), Trivandrum 9. Labour Enforcement Officer (Central), Ernakulam 	The States of Madras and Kerala and the Union Territory of Pondicherry.

(1)

(2)

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|---|---|---|
| <p>V.</p> <ol style="list-style-type: none"> 1. Regional Labour Commissioner (Central), Jabalpur. 2. Assistant Labour Commissioners (Central), Jabalpur. 3. Assistant Labour Commissioner (Central), Bilaspur. 4. Labour Enforcement Officers (Central), Jabalpur. 5. Labour Enforcement Officer (Central), Parasia. 6. Labour Enforcement Officer (Central), Ratlam. 7. Labour Enforcement Officer (Central), Raipur. 8. Labour Enforcement Officer (Central), Balaghat. 9. Labour Enforcement Officer (Central), Chirimiri. 10. Labour Enforcement Officer (Central), Satna. 11. Junior Labour Inspector (Central), Parasia. | } | <p>The State of Madhya Pradesh.</p> |
| <p>VI</p> <ol style="list-style-type: none"> 1. Regional Labour Commissioner (Central), Kanpur 2. Assistant Labour Commissioners (Central), Kanpur. 3. Assistant Labour Commissioner (Central), Delhi-I. 4. Assistant Labour Commissioner (Central), Delhi-II. 5. Assistant Labour Commissioner (Central), Chandigarh. 6. Labour Enforcement Officers (Central), Kanpur 7. Labour Enforcement Officer (Central), Delhi-I 8. Labour Enforcement Officer (Central), Delhi-II 9. Labour Enforcement Officer (Central), Gorakhpur. 10. Labour Enforcement Officer (Central), Allahabad. 11. Labour Enforcement Officer (Central), Lucknow. 12. Labour Enforcement Officer (Central), Bareilly 13. Labour Enforcement Officer (Central), Jullundur 14. Labour Enforcement Officer (Central), Jhansi 15. Labour Enforcement Officer (Central), Ambala 16. Junior Labour Inspector (Central), Agra 17. Junior Labour Inspector (Central), Dehra-Dun | } | <p>The States of Uttar Pradesh, Punjab and Haryana and the Union Territories of Delhi, Himachal Pradesh and Chandigarh.</p> |
| <p>VII</p> <ol style="list-style-type: none"> 1. Regional Labour Commissioner (Central), Dhanbad 2. Assistant Labour Commissioners (Central), Dhanbad 3. Assistant Labour Commissioner (Central) Hazaribagh. 4. Labour Enforcement Officers (Central), Dhannd. 5. Labour Enforcement Officer (Central), Ranchi 6. Labour Enforcement Officer (Central), Patna 7. Labour Enforcement Officer (Central), Katrasgarh 8. Labour Enforcement Officer (Central), Koderma 9. Labour Enforcement Officer (Central), Muzaffarpur 10. Labour Enforcement Officer (Central), Giridih 11. Labour Enforcement Officer (Central), Pakur 12. Labour Enforcement Officer (Central), Jharia East. 13. Labour Enforcement Officer (Central), Jharia West 14. Labour Enforcement Officer (Central), Bhagmara-I 15. Labour Enforcement Officer (Central), Bhagmara-II 16. Labour Enforcement Officer (Central), Chirkunda 17. Labour Enforcement Officer (Central), Ramgarh 18. Labour Enforcement Officer (Central), Kirkend 19. Labour Enforcement Officer (Central), Patherdih 20. Labour Enforcement Officer (Central), Chaibasa 21. Labour Enforcement Officer (Central), Bermo 22. Labour Enforcement Officer (Central), Katihar 23. Labour Enforcement Officer (Central), Domanch 24. Labour Enforcement Officer (Central), Dehri-on-sone. 25. Junior Labour Inspector (Central), Katrasgarh 26. Junior Labour Inspector (Central), Hazaribagh 27. Junior Labour Inspectors (Central), Dhanbad | } | <p>The State of Bihar.</p> |

(1)

(2)

VIII	<ol style="list-style-type: none"> 1. Regional Labour Commissioner (Central), Hyderabad. 2. Assistant Labour Commissioner (Central), Visakhapatnam. 3. Assistant Labour Commissioners (Central), Hyderabad. 4. Assistant Labour Commissioner (Central), Bangalore. 5. Labour Enforcement Officers (Central), Hyderabad. 6. Labour Enforcement Officer (Central), Visakhapatnam. 7. Labour Enforcement Officer (Central), Vijayawada. 8. Labour Enforcement Officer (Central), Gudur. 9. Labour Enforcement Officer (Central), Chitradurga. 10. Labour Enforcement Officer (Central), Kothagudem. 11. Labour Enforcement Officer (Central), Gulbarga. 12. Labour Enforcement Officer (Central), Kolar Gold Field. 13. Labour Enforcement Officer (Central), Guntakal. 14. Labour Enforcement Officer (Central), Bangalore. 15. Labour Enforcement Officer (Central), Hubli. 16. Labour Enforcement Officer (Central), Mancherial. 17. Junior Labour Inspector (Central), Macherla. 18. Junior Labour Inspector (Central), Gulbarga. 	The States of Mysore and Andhra Pradesh.
IX	<ol style="list-style-type: none"> 1. Regional Labour Commissioner (Central), Ajmer. 2. Assistant Labour Commissioners (Central), Ajmer. 3. Assistant Labour Commissioner (Central), Ahmedabad. 4. Labour Enforcement Officers (Central), Ajmer. 5. Labour Enforcement Officer (Central), Jaipur. 6. Labour Enforcement Officer (Central), Jodhpur. 7. Labour Enforcement Officer (Central), Bikaner. 8. Labour Enforcement Officer (Central), Rajkot. 9. Labour Enforcement Officer (Central), Kotah. 10. Labour Enforcement Officer (Central), Bhilwara. 11. Labour Enforcement Officer (Central), Adipur (Kandla). 12. Labour Enforcement Officer (Central), Ahmedabad. 13. Labour Enforcement Officer (Central), Baroda. 14. Labour Enforcement Officer (Central), Udaipur. 	The States of Rajasthan and Gujarat.
X	<ol style="list-style-type: none"> 1. Regional Labour Commissioner (Central), Asansol. 2. Assistant Labour Commissioners (Central), Asansol. 3. Assistant Labour Commissioner (Central), Raniganj. 4. Assistant Labour Commissioner (Central), Jharsuguda. 5. Labour Enforcement Officers (Central), Asansol. 6. Labour Enforcement Officer (Central), Raniganj. 7. Labour Enforcement Officer (Central), Neamatpur. 8. Labour Enforcement Officer (Central), Ukhra. 9. Labour Enforcement Officer (Central), Jharsuguda. 10. Labour Enforcement Officer (Central), Cuttack. 11. Labour Enforcement Officer (Central), Barbil. 12. Labour Enforcement Officer (Central), Titilagarh. 13. Junior Labour Inspector (Central), Asansol. 14. Junior Labour Inspector (Central), Sitarampur. 	The State of Orissa and the districts of Burdwan, Birbhum Bankura and Purulia in the State of West Bengal.

(Department of Labour and Employment)*New Delhi, the 15th April 1967*

S.O. 1492.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Allahabad in the Industrial Dispute between the management of the Central Bank of India, Ltd., Bombay and their workmen which was received by the Central Government on the 10th April, 1967.

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL) AT ALLAHABAD*Dated: Allahabad; March 30th 1967***PRESENT:**

Sri Mithan Lal—Presiding Officer.

REFERENCE No. (C) 1 of 1966

BETWEEN:

Central Bank of India, Ltd., Bombay

AND

Their Workmen represented through the Secretary, U.P. Bank Employees Union, 5, Khattrana Tola, Etawah Unit, Etawah.

APPEARANCES:*On behalf of the Bank.*—Sri C. L. Chopra, Legal Adviser.*On behalf of the Workmen.*—Sri Pratap Bahadur Gupta, State Joint Secretary of the U.P. Bank Employees Union.**INDUSTRY:** Bank.**DISTRICT:** Bombay.**AWARD**

The Central Government in exercise of the powers conferred by Section 7-A and Section 36-A of the Industrial Disputes Act, 1947 (14 of 1947) referred the following question for adjudication to this Tribunal under Notification No. 51(52)/65-LRIV, dated 18th December 1965 as amended by the subsequent Notification of the same in respect of reconstitution of the Tribunal U/s. 7-A number dated 27th August 1966.—

“Whether a workman transferred from Allahabad (Area II) to Etawah (Area III) who continues to get benefits under the Desai Award of Area II scales of pay and increments should be treated as workman in Area II for the purposes of implementing the settlement dated the 11th June, 1965 arrived at between the management of the Central Bank of India Ltd., and their workmen represented by the All India Central Bank Employees Federation or not?”

A settlement was arrived at between the Central Bank of India Lucknow and their workmen represented by All India Central Bank Employees Federation on 11th June, 1965 relating to point-to-point adjustment in respect of the employees who joined the service before 31st January, 1950. The question of point to point adjustment claim was considered in the two earlier Bank Awards popularly known as Sastry and Desai Awards but the relief given by those awards was only a limited one. The units of Employees' Unions affiliated to the All India Central Bank Employees' Federation had been agitating this matter for some time and so an agreement was arrived at. Para. 3 of the terms of settlement reads as follows:—

“A member of the clerical staff who has on 1st June 1965 not reached the point-to-point stage will from 1st June 1965 be granted increment (s) equivalent to half of the stage increment (s) he would require to reach the point-to-point stage, subject to the proviso that the portion of a rupee will be rounded off to the next rupee amount.”

The aforementioned paragraph of the settlement has been so interpreted by the Bank as to give rise to the present dispute.

The Order of Reference does not give the name of the workman concerned but it is a common case of the parties that the case specifically relates to Sri O.B. Mehrotra, a clerk, who was formerly posted at Allahabad, an area of class II, and was transferred in May, 1964 to Etawah, a station of class III area on his

own request, as shown by papers, Exs. E/1 to E/6. It is also not disputed that under the provisions of para. 121(5) of Sastry Award and para. 5.100, the basic pay of Sri Mehrotra could not be reduced by his transfer from area II, where a higher scale of pay was prevailing, to area III, where a lesser pay scale was prevailing. What is in dispute is the point-to-point stage adjustment under the terms of the settlement.

Sri Mehrotra was appointed on 1st January 1946. He was drawing Rs. 259/- p.m. as his basic pay on the 31st May, 1965. He had completed four years' service on 31st January, 1950. Under the Sastry award he was allowed only one increment for three completed years of service. If a full point-to-point adjustment had been made he would have got three more increments. Thus he got no compensation for three years service which he put prior to 31st January, 1950. His salary in the running scale, if full point-to-point adjustment had been given could have been increased by Rs. 35/-. According to the workmen he should have been given increments equivalent of half of the stage increments as agreed upon that is Rs. 17-50 or in round figure Rs. 18/-, but he was allowed an increase of Rs. 6/- only. It has further been contended that the Bank has in fact readjusted the basic pay of Sri Mehrotra according to class III area which is against the spirit of Desai award. The Bank has thus committed a violation. It has, therefore, been prayed that—

- (a) On transfer from a higher area to a lower area the basic pay of an employee should not have been re-adjusted for the purpose of implementing the agreement dated 11th June 1965;
- (b) the workman should be allowed the benefit of half increment due to him for his service before the 31st January, 1950 to bring him on point-to-point basis; and
- (c) the employees should continue to draw his annual increments as if he continued to work in area II.

The contention of the Bank, on the other hand, is that the Desai award does not cover all possible contingencies and that it does not rule out the parties right to over-ride the terms of the said award by agreement. In the instant case the workman had been transferred to Etawah on his own request to suit the workman's convenience. The transfer was not due to any exigency of service in order to deprive him of the benefits available at the place of posting of a higher area. The Desai award is said to be not applicable to the case. The adjustment which has been reached in case of Sri Mehrotra on point-to-point stage has been correctly done. It has also been pointed out that higher adjustment had been made in the months of June, July, 1965 in case of Sri Mehrotra and as soon as the mistake was detected the amount paid in excess by way of salary was subsequently recovered.

After the pleadings were completed, my learned predecessor did not frame any further issue and the representatives of both the parties agreed that no fresh issue arose in the case.

The parties have not produced any oral evidence before the Tribunal.

Findings

Matter of Dispute: While fixing fresh scales of pay in different classes of Bank and in different areas classified into I, II and III, both the Sastry and Desai awards laid down the following directions for purposes of implementation of the new scales of pay:—

“No employee shall have his basic pay reduced by being transferred to an area where a lesser pay scale applies even though such basic pay may be more than the maximum of the scale fixed for the new station and he will continue to have the usual increments as from such basic pay onwards. An employee who is transferred to a place where a higher pay scale applies shall have the benefit of such higher scale of that area i.e., his basic pay should be refixed in the higher scale according to the length of service rendered by him together with the benefits of any special increment and subject to the deduction of any increment withheld. It, however, such an employee is reverted back from a higher area to a lower area, he will thereafter be governed by the pay scale of that area, provided, however, he has not completed a total service of one year in the higher area.”

The above will show that under the award the following benefits were conferred upon an employee on transfer from an area of higher pay scale to a lower area:—

- (i) His basic pay was protected;
- (ii) he would continue to get increments in the higher area scale in the higher area scale in spite of such transfer;
- (iii) even if the employee had reached the maximum of the lower area scale, he was still entitled to draw his increment in the higher area scale; and
- (iv) no distinction has been drawn between a voluntary transfer or a transfer of an employee due to exigencies of service.

All the above conditions show that the scale of pay of higher area was fully protected on transfer of an employee from higher area scale to a lower area scale.

The aforementioned paragraph conferred a further advantage to an employee on his transfer from lower area to a higher area. Since that point is not relevant for purpose of decision of the present case I do not comment upon the same.

As regards the point to point adjustment the directions in Sastri award are contained in para. 292 while in case of Desai award they are contained in paragraphs 5.329 to 5.357. For purposes of adjustment Sastri award took the year 1949 as the base year and so directions for adjustment of workmen who entered the service before 31st January, 1950 were given in that award while in case of Desai award the base year was taken to be 1959 and directions for adjournment were given in respect of workmen who entered the service before the 1st January, 1959. The major principle of adjustment in both the cases was that the existing basic salary shall, in no case, be reduced.

Both the parties have filed copies of the memorandum of settlement. The workmen's copy has been filed as an annexure. It is marked Ex. W/1 while the copy filed by the employers is marked Ex. E/8. The Bank agreed to make the adjustment of the clerical staff under para. 3 of the settlement already quoted earlier. The Bank for purposes of implementation of the aforesaid settlement issued instructions to all its branch offices in India on 18th June, 1965 per Ex. E/7. Those instructions were later on supplemented by issue of another circular of 15th July, 1965 per Ex. E/9. The terms of the settlement which have created some sort of doubt have to be interpreted in view of the relevant portions of Sastri and Desai awards. The reason why this settlement was entered into is the agitation of employees' unions claiming point to point adjustment in respect of those employees who joined the services before 31st January, 1950. In the "recital of the case" it has been mentioned that Sastri and Desai Tribunals did not fully concede the claim of adjustment of the said employees. For both the said reasons the present settlement was entered into.

Under both the Sastri and Desai awards the basic salary of an employee on transfer from a higher scale area to lower scale area has been protected. An employee after transfer has also been allotted increment in the higher scale. These protections read with the recital of the memorandum of settlement show that the parties while agreeing to point to point stage must have kept in mind the primary factor that the basic salary of an employee transferred from a high scale area to a low scale area is in no way affected. This is further clear from the directions issued by the Bank to all its branches on the 18th June per Ex. E/7. In para. 3(b) directions were given that "members of the clerical and subordinate staff who joined before 31st January 1950 and who are in employment before 1st June 1966, will be granted an increment equivalent to half the number of the stage increments they would be required to reach the point to point stage on 1st June 1965". This direction of the bank itself makes it clear that no distinction was made between a voluntary or involuntary transfer. There was also no direction that if a person had been transferred from a higher area scale to lower area scale, the adjustment should be made in such a manner as to affect his basic pay or the adjustment should be made in a manner as if the said employee was drawing Class III area scale of pay. Sri Chopra, counsel for the Bank pointed out the directions issued on 13th July (and contained in Ex. E/9) and referred to the example given in para. 2. That example only refers to a clerk who has been working in area II office without taking into consideration the question of transfer of such a clerk in area III office. In fact the Bank could not issue any directions to its branches to make the adjustment of point to point stage in a manner contrary to Sastri and Desai

awards. It is obvious after reading the short recital with paragraph 3(a) that the intention in entering into the agreement for point to point adjustment was not and could not have been to make an adjustment of the basic wage of an employee transferred from area II to area III in the lower area scale of pay. When the two awards gave benefit of continuance of the higher scale of pay in an area of lower scale of pay, the adjustment could only be made in the basic scale of pay admissible to such an employee on transfer i.e. scale of pay of the higher area from where he has been transferred.

Sri Chopra laid a good deal of stress upon voluntary transfer of Sri O. B. Mehrotra from Allahabad to Etawah and in support of his arguments referred to certain observations of Sastri award made in para. 535. That paragraph does not take into consideration the case of voluntary transfer. It only makes a mention of transfers rendered necessary by the exigencies of administration. The contention of Sri Chopra is not at all supported by the observations made in para 537 of the said award. It has been observed therein that in case of transfer from higher area scale to lower area scale of pay such a transfer does give an employee some advantages in terms of cheaper life but at the same time he will be deprived of special concessions like house rent allowance or hill allowance. With respect to the basic wage the directions were clear and it was stated—

“We further direct that in no case employees basic wage be reduced on transfer”.

This mandatory direction could not be circumvented by making an adjustment in a manner as to deprive an employee of the higher pay scale. Paras. 535 to 537 make no distinction between transfers rendered necessary by exigencies of administration or made on the own request of an employee. In either case the basic wage could not be reduced and the stand of the Bank that it could be done on a voluntary transfer cannot be accepted.

Having regard to the terms of settlement the point to point adjustment which has been made in the basic wage of Sri O. B. Mehrotra has been wrongly done. The basic wage could not be re-adjusted in the lower scale for purposes of implementing the terms of agreement dated 11th June 1965. The workman was entitled to the benefits of half increment due to him for his service before 31st January 1960. In order to bring him on point to point stage the said employee was also entitled to draw increments in the higher scale as envisaged by the Sastri and Desai awards.

Sri Mehrotra was admittedly drawing Rs. 262 as basic pay on 31st May, 1965. He had completed four years of service upto 31st January 1960. Under Sastri award he was allowed only one increment for three completed years of service. For giving him full point to point stage three years' service remained to be compensated. It could be done by giving him three additional increments, i.e. an increase of Rs. 35. Under the terms of settlement he was entitled to get half of the three stage increase i.e., $1\frac{1}{2}$ increments or Rs.17.50 or Rs. 18 in round figures. The Bank allowed him only Rs. 6 by making a calculation as given in para. 25(d) of their reply to the workman's claim. This has been incorrectly done and has put Sri Mehrotra to a loss of Rs. 12 which he is entitled to get from 1st August, 1965.

DECISION

My award is that the workman (O. B. Mehrotra) on transfer from Allahabad (Area II) to Etawah (Area III) will continue to get the benefits of Desai award of Area II scales of pay. For purposes of increments and for purposes of implementing the settlement dated 11th June 1965, he should be treated to be a workman in Area II. While giving him point to point adjustment under the terms of settlement the management should have given him an increase of Rs. 18 instead of Rs. 6. This shall be done now by the Bank and the arrears shall be paid to him within a period of one month from the publication of this award.

The Bank shall also pay the Union a sum of Rs. 200 (Rupees two hundred) only, as costs.

(Sd.) MITHEN LAL,

Presiding Officer,
30-3-1967

[No. 51(52)/65-LRIV.]

New Delhi, the 17th April 1967

S.O. 1493.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bangalore, in the industrial dispute between the employers in relation to the Bhadigund Mine of Messrs Mysore Iron and Steel Limited, Bhadravathi and their workmen which was received by the Central Government on the 4th April, 1967.

BEFORE THE INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE

Dated 31st March 1967

PRESENT:

Sri A. Panchakshariah, B.A., (Hons), LL.B.,— *Presiding Officer.*

REFERENCE No. 1 OF 1966 (CENTRAL)

First Party:

Workmen of Bhadigund Mine of
M/s. Mysore Iron & Steel
Ltd., represented by the Presi-
dent, Mysore Iron & Steel
Ltd., Mine Employees' Asso-
ciation, Bhadravathi, Mysore.

Second Party:

The General Manager, Mysore
Iron & Steel Ltd., Bhadra-
vathi.

APPEARANCES:

For First Party.—Sri N. Keshava, Vice President, INTUC, Bangalore.

For Second Party.—Sri C. Ramaswamy, Legal Adviser, Bangalore.

REFERENCE.

Order No. 37/10/66-LRI dated 15th April, 1966, of the Under Secretary to Government, Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment).

AWARD

The Ministry of Labour, Department of Labour and Employment, Government of India, New Delhi, have referred this dispute in their Order No. 37/10/66-LRI dated 15th April 1966, for adjudication by this Tribunal under Section 10(1) (d) of the Industrial Disputes Act, 1947 (Central Act XIV of 1947) with my Predecessor, Sri R. Krishna Setty, constituted as Presiding Officer of the Industrial Tribunal by the Central Government. The dispute is as follows:—

"I. Whether the action of the employers in relation to the Bhadigund Mine of Messrs. Mysore Iron and Steel Limited, Bhadravathi, in denying promotion as Assistant Foreman to Shri H. K. Ramaiah was justified?

II. If not, to what relief is he entitled?"

My learned predecessor registered this case as Reference No. 1 of 1966 and took out notices to the I Party. The I Party, Sri H. K. Ramaiah is represented by Sri N. Keshava, Vice President, INTUC while the II Party is represented by Sri C. Ramaswamy, Legal Adviser of the Mysore Iron and Steel Works Ltd., Bhadravathi. The I Party contended in the course of the claim Statement that Sri H. K. Ramalah entered into service under II Party-Management and at present, he is working as a chargeman-cum-blaster and contend that this H. K. Ramalah is senior to Sri J.P. Surappa who has already been promoted as Assistant Foreman. This act, it is contended, is a deliberated act of injustice perpetrating against Sri H. K. Ramaiah, by the II Party. It is also in utter disregard of the endorsement No. 2633 dated the 20th June, 1959 of the Personnel Manager of the Company and to the decision arrived at the weekly meeting held on 4th May 1961 between the Management and the Mysore Iron and Steel Works Labourer's Association. In more respect than one Sri H. K. Ramalah has claim for seniority over Sri J. P. Surappa, who is now promoted to the post of the Assistant Foreman. Sri H. K. Ramaiah possessed the required qualification for being promoted as Assistant Foreman and that he should have been promoted as Assistant Foreman in preference to Sri J. P. Surappa. It is, therefore, prayed that Sri H. K. Ramaiah be promoted to the Assistant Foreman's post from the date Sri J. P. Surappa was promoted with retrospective effect.

(2) As against this, the II Party has filed a fairly lengthy counter statement in which it has been contended that Sri J. P. Surappa entered into daily-rated cadre of employment under the II Party on 1st September, 1937 while Sri H. K. Ramalah entered into the same cadre on 1st June, 1944. The former *viz.* Shri

J. P. Surappa has been promoted from 25th October, 1945 as Chargeman while Sri H. K. Ramaiah was only a blaster on 1st July, 1946. The II Party has referred to some of the correspondence that went on between the II Party and the Secy. Mysore Iron and Steel Ltd., Labour Association. Sri J. P. Surappa was a Mines Clerk and he was promoted as Chargeman on 17th November, 1950. At that time, Sri H. K. Ramaiah was still a blaster and he entered the cadre of chargeman with effect from 4th January, 1958 and therefore, Sri J. P. Surappa was deemed to be senior to Sri H. K. Ramaiah. He was, therefore, promoted as Assistant Foreman. In the light of the above facts, it is contended by the II Party that the claim of the I Party *viz.* Sri H. K. Ramaiah is untenable.

3. To this Counter Statement a reply was filed by the I Party denying the facts contained in the rejoinder and affirming the allegations in the Claim Statement.

4. In addition to the points of dispute referred to in the Government Order, I framed two more Issues and this I framed as I was appointed as a Presiding Officer, Industrial Tribunal, by the Order of the Central Government dated 10th August, 1966. After Issue were framed, the Parties examined some witnesses and closed their case. On 31st March, 1967, both the Parties reported to Court that the Management *viz.* the II Party has promoted Sri H. K. Ramaiah as Assistant Foreman with effect from 31st March, 1967. Sri C. Ramaswamy, Legal Adviser of the II Party filed a letter addressed to him by the General Manager to say that Sri H. K. Ramaiah is promoted as Assistant Foreman from 31st March, 1967. Sri H. K. Ramaiah was present in the Tribunal through Sri N. Keshava. Both of them went through the letter and submitted that Sri H. K. Ramaiah has no objection to it. Both Parties requested that an Award may be passed in terms of the letter that has been produced by Sri C. Ramaswamy. I have gone through the letter and I find that since Sri H. K. Ramaiah is already promoted as Assistant Foreman with effect from 31st March, 1967, he will continue as Assistant Foreman. It is agreed by both the Parties that the question of Seniority between Sri H. K. Ramaiah and Sri J. P. Surappa may be left to be decided at a future date. Accordingly, I answer this Reference in the affirmative.

Under the circumstances, each Party will bear its own costs.

(Sd.) A. PANCHAKSHARIAH,
Presiding Officer,
[No. F. 37/10/66-LR.I.]

S.O. 1494.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following Award of the Central Government Industrial Tribunal, Dhanbad in the industrial dispute between the employers in relation to the Central Bank of India, Ltd., Muzaffarpur group, Muzaffarpur, Bihar and the workmen, which was received by the Central Government on the 5th April, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, AT DHANBAD

In the matter of a reference under Sec. 10(l) (d) of the Industrial Disputes Act, 1947.

REFERENCE NO. 184 OF 1965

Employers in relation to the Central Bank of India, Ltd., Muzaffarpur Group, Muzaffarpur, Bihar—*Employers.*

Versus

Their workmen as represented by the Bihar State Central Bank Employees Union, Central Office, Darbhanga (Bihar).

PRESENT:

Shri Raj Kishore Prasad, Presiding Officer.

For the Employers: None.

For the Workmen: None.

STATE: Bihar,

INDUSTRY: Bank.

Dhanbad, the 29th March 1967

AWARD

The Government of India, Ministry of Labour and Employment, New Delhi, by its order No. 51(41)/65-LRIV dated 2nd November 1965, referred to this

Tribunal for adjudication under Section 10(1) (d) of The Industrial Disputes Act, an industrial dispute existing between the employers in relation to the Central Bank of India, Limited and their workmen in respect of the matters specified in the schedule annexed hereto which is reproduced below:

"SCHEDULE

Whether the dismissal of Shri P. K. Bhattacharjee, Godown Keeper, Central Bank of India Limited, Bettiah Branch, with effect from the 3rd October, 1962, by the management of Central Bank of India Ltd., Bettiah Branch, was justified? If not, to what relief the workman is entitled?"

2. On 21st March 1967 a petition dated 20th March 1967 for withdrawing the reference on behalf of the concerned workman was received by the Tribunal from the General Secretary of the Union in which it is mentioned that the aforesaid reference has been mutually and amicably settled between the two parties and the management has agreed to reappoint Shri P. K. Bhattacharya, the dismissed workman with immediate effect with the benefit of six increments to start with.

3. I have read the petition and it appears to me fair and reasonable. The said compromise petition is marked 'A' and made a part of this award.

4. I, therefore, allow the reference to be withdrawn in terms of the petition Annexure "A" and on the basis of the same pass an award of which the petition Annexure "A" shall form a part.

5. This is the award which I make and submit to the Central Government.

Sd/- RAJ KISHORE PRASAD,
Presiding Officer.

ANNEXURE 'A'

**BEFORE SHRI R. K. PRASAD, PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL, DHANBAD (BIHAR).**

IN THE MATTER OF INDUSTRIAL DISPUTE PERTAINING TO REF. NO. 184 OF 1965.

PARTIES:

Employers in relation to the Central Bank of India, Ltd., Muzaffarpur Group, Muzaffarpur, Bihar.

Vs.

Their Workmen as Represented by the Bihar State Central Bank Employees' Union, Central Office, Darbhanga (Bihar).

May it please Your Honour,

The Bihar State Central Bank Employees' Union, with its Central Office at Muzaffarpur is a trade union organisation representing the majority of Central Bank Employees working in the State of Bihar and is affiliated to All India Central Bank Employees' Federation, Calcutta and All India Bank Employees' Association, Delhi.

That, the said Union has submitted a statement of claim on behalf of itself and its member Sri P. K. Bhattacharya, the dismissed Godown Keeper in the clerical cadre in the Central Bank of India, Ltd., working at its branch in Bettiah in Muzaffarpur Group of offices with regard to the aforesaid reference to the Hon'ble Tribunal in terms of the order No. Nil dated 2nd November, 1965, made by the Ministry of Labour and Employment, Government of India, New Delhi.

That the said reference is pending for adjudication before your Honour.

That the said reference has been mutually and amicably settled between the two parties, the management have agreed to reappointing Sri P. K. Bhattacharya, the dismissed workman with immediate effect with the benefit of six increments to start with. That in consideration of the above, the Union has agreed not to pursue and press for the adjudication and prays hereby for leave to withdraw the said reference before your Hon'ble Tribunal.

It is, therefore, prayed that your honour be pleased to grant withdrawal of the application submitted on behalf of the workmen by the Union and pass orders accordingly.

Signed at Dhanbad:
20th March, 1967.

For and on behalf of
Bihar State Central Bank
Employees' Union.
Sd/- S. R. SAMADDAR, Genl Secy.
[No.51 (41)/65-LRIV.]

S.O. 1495.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to Messrs Eastern Manganese and Minerals Limited, Domchanch and their workmen, which was received by the Central Government on the 4th April, 1967.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT
DHANBAD**

In the matter of a reference under Section 10(1) (d) of The Industrial Disputes Act, 1947.

REFERENCE No. 107 of 1965

**Employers in relation to the M/s. Eastern Manganese and Minerals Ltd.,
Sibsagar, P.O. Domchanch, (Hazaribagh).—Employers.**

Versus

Their Workmen

PRESENT:

Shri Raj Kishore Prasad.—Presiding Officer

For the Employers.—None.

For the Workmen.—Shri B. D. Bansal, one of the two workmen concerned in the dispute.

STATE: Bihar.

INDUSTRY: Mica.

Dhanbad, dated 28th March, 1967.

AWARD

By its order No. 20/2/65-LRI dated 18th June, 1965, the Government of India, Ministry of Labour and Employment, referred for adjudication to this Tribunal under Section 10(1) (d) of The Industrial Disputes Act, 1947, (hereinafter referred to as "the Act") an industrial dispute existing between the employers in relation to Messrs Eastern Manganese and Minerals Limited, Domchanch, and their workmen in respect of the matters specified in the schedule annexed to the Order of Reference which is reproduced below:

SCHEDULE

"1. Whether the action of the management of Messrs Eastern Manganese and Minerals Limited (Post Office Domchanch—District Hazaribagh) in transferring the workmen mentioned below from the mines specified against each of them in column (4) to the places so specified in column (5) with effect from the respective dates indicated in column (6) was an act of victimisation of the workmen concerned?

Sl. No.	Name	Designation	Name of the Mine where from transferred	Name of the place where transferred	Date from which transferred
1	2	3	4	5	6
1.	Shri Jiwat Singh	Darwan	Lomchanchi Mica Mine	Sibsagar Factory owned by Messrs Chrestien Mica Industries Ltd., Post Office Domchanch.	29-10-64
2.	Shri B.D. Bansal.	Checker	Bhelwaria No. 12 Mica Mine.	Do.	27-10-64
3.	Shri Jagat Nath Singh.	Pump khajasi	Kukurkolwa Mica Mine	Sibsagar workshop owned by Messrs Chrestien Mica Industries Ltd., Post Office Domchanch.	1-12-64

II. If so, to what relief are the workmen entitled?"

2. This reference was received by this Tribunal on 28th June, 1965, and although the reference remained pending before this Tribunal for about two years the management did not file any written statement, but the management on 26th February 1966 at Jhumritelalya filed a petition of compromise dated 22nd February, 1966, signed by Shri R. G. Agarwala, General Manager of the Employers and their Labour Officer Shri Giridhar Gopal and also by the representative of the above mentioned three workmen concerned Shri Harish Chandra Mishra, General Secretary of Abrahm Mazdoor Union and also by Shri K. K. Sharma, Asstt., Labour Commissioner, Hazaribagh.

3. This compromise was taken up for consideration at Tilaiya Dam on 14th March, 1966, when two of the workmen Sarvashri Jagarnath Singh and B. D. Bansal appeared in person but the third workman Shri Jiwat Singh did not appear nor raised any objection to the compromise being recorded against him. The Tribunal, therefore accepted the compromise in respect of Shri Jiwat Singh and recorded it against him and gave a partial award on 15th March, 1966, against him but rejected the compromise in respect of the other two workmen S/Shri B. D. Bansal, Checker and Jagar Nath Singh, Pump Khalasi as they objected to the same and challenged the compromise as collusive.

4. The Tribunal, thereafter, fixed the case for hearing on 10th March, 1967, at Patna when Shri Giridhar Gopal, Labour Officer of the Management, appeared but none of the two remaining concerned workmen appeared, probably because the notice was sent not individually to them but to their union, which being in collusion of the management, it appears, did not inform them. Due to the absence of the workmen the case was adjourned on 10th March, 1967, to 24th March, 1967, at Patna and notices of the same were issued to the two workmen individually and Shri Giridhar Gopal, who was present, was informed and he signed the order sheet in token of that.

5. On 24th March, 1967, as the Tribunal was busy with the Delhi case as Presiding Officer, Delhi Administration Special Industrial Tribunal, Delhi, till March 24, 1967, it shifted the date to 27th March, 1967, at the same place and time and issued registered notices to the two workmen personally and also to their union and to the management.

6. In response to the said notice on 27th March, 1967, at Patna when the case was taken up Shri B. D. Bansal, one of the two concerned workmen appeared and the other workman did not appear but Shri B. D. Bansal represented that workman also. The management however did not appear at all. The union also did not appear inspite of registered notices to both of them.

7. The two concerned workmen filed their written statement on 6th April, 1966 and its copy was sent to the management by registered post but inspite of that the management did not file either a written statement of its own or a rejoinder controverting the allegations made by the two concerned workmen in their written statement filed on 6th April, 1966, with the result that the Tribunal had no material before it except the written statement of the two concerned workmen. Shri B. D. Bansal, however, who appeared before the Tribunal, did not file any document but stated that he relied on his written statement and in the fact that the management inspite of receiving a copy of the written statement filed by him and by his fellow workman Shri Jagar Nath Singh had not controverted their allegations made in the written statement nor filed any rejoinder to the same nor filed any independent written statement and, therefore, their allegations stood unrebutted and uncontroverted and as such should be taken as admitted.

8. The management earlier also did not file any document nor even its standing orders to support its case.

9. From the attitude of the management's representative on 10th March, 1967 it appeared that the management insisted on the terms of the compromise being given effect to by the Tribunal but inspite of the fact that the compromise had been rejected by the Tribunal as against these two workmen the management was not prepared to budge an inch from the stand taken by it. It looks

likely also that as the management's representative Shri Girdhari Gopal knew that the Tribunal was superannuating on 29th March, 1967, he thought that if the management defaulted in appearance on 27th March, 1967, automatically the case would be adjourned and it would be decided by another Tribunal. But Shri B. D. Bansal, on behalf of himself and his fellow workman, insisted that they are being harassed very much, and, therefore, the matter should be decided once for all, whether in their favour or in favour of the management, and the matter should not be left in the lurch because no one knows when my successor would take up the case. The case was also part-heard. In the circumstances, I heard Shri Bansal and considered the written statement and reserved the award which I am giving today on my return to headquarters from tour to Patna.

Shri B.D. Bansal—Workman No. 2 in the Reference:

10. This workman was working as a Checker-cum-Shift Incharge, at the Bhelwaria No. 12 Mica Mine continuously for about 11 years but he was also transferred with effect from 27th October, 1964 to Sibsagar Factory owned by M/s. Chrestien Mica Industries Ltd., Domchanch, without, it is said, assigning any reason. The case of this workman, as will appear from para 13 of his written statement, is that due to this transfer without assigning any reason the workman has lost the following facilities:

Cool Allowance	Rs. 5/- p.m.
Free Rice	Rs. 6.50 „
House Rent	Rs. 4.00 „
Short Pay	Re. 0.97 „

The workman, therefore, contends that his transfer was only to victimise him and not for any administrative reason as falsely alleged and this transfer was not in the interest of the administration and according to usual practice as alleged before the Labour Inspector (C) Domchanch as will appear from para 4 of his letter dated 25th February, 1965 to the Secretary to the Govt of India, Ministry of Labour and Employment. In para 15 of the written statement it is asserted that both these two concerned workmen were victimised due to mala-fide motive of the management. This positive assertion of victimisation goes un-rebutted and uncontroverted.

11. The case of this workman and the allegations made by him in his written statement are uncontroverted and there is no evidence whatsoever on behalf of the management to justify the management's action in transferring the workman. The management, as stated above, has not filed either its written statement or any rejoinder to the written statement of the workmen in spite of getting a copy of the same or any document in the shape of the standing orders of the company of the order of transfer which could throw any light to justify the action of the management. It appears however from para 4 of the letter of the Labour Inspector, referred to above, that the representative of the management stated before him that the transfers in question from mines to factory/workshop were done in the interest of their administration and as a practice as usual, for which they were justified and the workers did not raise objection at the time of transfer. But unfortunately there is nothing to support this statement of theirs before the Tribunal. In the circumstances, for want of evidence, I am unable to hold that the transfer was made in the interest of administration and in accordance with the usual practice so as to be justified and upheld.

12. For the reasons given above, therefore, I accept, the workman's case and hold that the transfer of Shri B.D. Bansal from Bhelwaria No. 12 Mica Mine to Sibsagar Factory owned by M/s. Chrestien Mica Industries Ltd., was unjustified and illegal, and an act of victimisation, and, therefore, it is set aside and the concerned workman Shri B. D. Bansal is retransferred and reinstated at Bhelwaria No. 12 Mica Mine, where he was working before transfer on 27th October, 1964, and he will be entitled to full wages and all other dues with effect from 27th October, 1964, the date of his transfer, to the date of his reinstatement in the mine. If, however, this workman has been paid any wages for this period that would be deducted from the total amount of wages payable to him but if the total amount of wages payable is less than the total amount of wages already paid, the excess amount would be adjusted towards the future wages.

Shri Jagar Nath Singh, Pump Khalasi—Workman No. 3 in the Reference:

13. The facts, as mentioned in the written statement and also in para 4 of the letter dated 25th February, 1965 of the Labour Inspector (C), Domchanch, to the Secretary to the Government of India, Ministry of Labour and Employment, are that the workman Jagar Nath Singh, Pump Khalasi of Kukurkolwa Mica Mine, was working in that mine for the last more than 10 years. This workman was transferred by the management from Kukurkolwa Mica Mine to Sibsagar Workshop owned by M/s. Chrestien Mica Industries Ltd., Domchanch, with effect from 4th December, 1964. The management has not filed any document either the order of transfer from which the reasons of the transfer could be known or even the standing orders from which it could be known whether a transfer from one concern to another, that is, from Mine to Workshop is permissible or any other document to show that this transfer was legal and justified and not an act of victimisation as mentioned in the order of reference. The case of this workman is that he is fully connected with mine and as such his transfer to a workshop was entirely unjustified and illegal as he had no connection with the factory or its workshop at all. The workman asserts, which is not denied, that the standing orders of the management do not provide such mode of transfer of a workman from one company to another. I asked the workman to produce the standing orders but he said that the workmen are never supplied with a copy of the standing orders, and, therefore, he is unable to produce any. The case of the workman further is, as will appear from paras 7 to 9 of his written statement, that when he was working in Kukurkolwa Mica Mine which is under the Central Government, he was getting facilities under the Mines Act, such as, monthly bonus, quarterly bonus, house rent, leave, etc., which facilities have not been provided to a workshop worker. He further asserts in para 8 that medical facilities which are most important for a poor worker are not given since the time he was transferred. He also says in para 9 of his written statement that his poor dependants have been debarred from educational facilities provided by the Welfare Centre. For all these reasons, it is asserted by the workman that the management in transferring him from a mine to a workshop has violated the principles of natural justice and also committed illegalities, and, therefore, his transfer should be set aside and he should be sent back to the mine where he was working before.

14. In para 15 of the written statement it is alleged that both these two concerned workmen were victimised due to *mala fide* motive of the management. *This positive assertion goes unchallenged and unrebutted and uncontroverted.*

15. There can be doubt that the onus to justify the transfer was on the management but the management deliberately by absenting and by not filing documents, even the standing orders which are most essential deprived the Tribunal of the advantage of knowing how, and why the transfer was made. The allegations of the workmen in their written statement are uncontroverted also. For these reasons, I have no alternative but to hold that the transfer was unjustified and illegal, and an act of victimisation, and, therefore, it is set aside and the concerned workman Shri Jagar Nath Singh, Pump Khalasi, Kukurkolwa Mica Mine, is re-transferred and reinstated at the Kukurkolwa Mica Mine and he will be entitled to all his wages and other dues legally due to him with effect from 4th December, 1964, from which date he has been transferred. If, however, any wages have been paid to him during this period, those wages would be deducted from the total amount of wages payable to him if the total amount payable to him is higher than the amount paid. If however the amount of wages already paid is higher than the total amount of wages payable under this award the excess amount of wages would be adjusted towards his future wages.

16. This award must be implemented within fifteen days from the date this award becomes enforceable after its publication, under Section 17A of the Act.

17. This is the award which I make and submit to the Central Government under Section 15 of the Act.

Sd./- RAJ KISHORE PRASAD,
Presiding Officer.

New Delhi, the 22nd April 1967

S.O. 1496.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal No. 2, Calcutta in respect of an industrial dispute between the employers in relation to the Allahabad Bank Limited and their workmen which was received by the Central Government on the 12th April 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, CALCUTTA

REFERENCE NO. 144 OF 1966

PARTIES:

Employers in relation to the Allahabad Bank Limited.

AND

Their workmen.

PRESENT:

Shri S. K. Sen—Presiding Officer.

APPEARANCES:

On behalf of Employers—

Shri A. N. Roy Chowdhury.

Shri A. Ghosh.

On behalf of Workmen—

Shri Daroga Singh for All India Bank Employees' Federation and Bengal Bank Employees' Federation.

Shri B. Sarkar and Gopinath Seth for All India Allahabad Bank Employees' Coordination Committee.

Shri Monoranjan Basu for Bank Employees' Coordination Committee.

Shri Sushil Ghose, General Secretary, All India Bank Employees Association.

STATE: West Bengal.

INDUSTRY: Banking.

AWARD

By Order No. 51(54)/65-LRIV, dated 10th December, 1965 the Central Government referred for adjudication an industrial dispute between the employers in relation to the Allahabad Bank Limited and their workmen in respect of the subject matter specified in the following schedule:

"Whether the claim of the workmen of the Allahabad Bank Limited for additional bonus over what has already been paid during the years 1956 to 1961 is justified and if so, what further bonus should be paid to the workmen of the Bank for these years?"

2. The Allahabad Bank Limited which is affiliated to the Chartered Bank was established more than a century back and it is one of the A class banks operating all over India. Since 1945 the bank has been paying bonus to its employees at the rate of two months' basic pay, i.e. 16 2/3rd per cent of the basic pay for the year. The employees of various banks through their associations or unions had been agitating for a long time for better conditions of service and for bonus. The Government of India referred bank disputes to an All India Industrial Tribunal presided over by Justice K. C. Sen in 1949, but the award of that tribunal was declared null and void by the Supreme Court by an order passed in 1951. Thereafter the bank disputes were referred to another All India Industrial Tribunal presided over by Justice S. Panchapagesa Sastry. Justice Sastry's tribunal dealt with the question of bonus but expressed doubt on the point whether bonus could be legally awarded to the employees in view of Section 10 of the Banking Companies Act, as it then stood, prohibiting employment for any person whose remuneration or part of remuneration takes the form of a share in the profits of the banking companies. Although the Sastry's tribunal laid down certain principles for assessing bonus, the tribunal expressly laid down that the principles were recommendations to the employers and employees, and made a suggestion that the Government should take necessary steps to amend Sec. 10 of the Banking Companies Act so as to enable bonus to be legally paid to bank employees. The Government amended Sec. 10 of the Banking Companies Act by Act 95 of 1956, which *inter alia* added the proviso to Sec. 10, that "nothing contained therein shall apply to payment by a banking company of any bonus in pursuance of a

settlement or award arrived at or made under any law relating to industrial disputes or in accordance with any scheme framed by such banking company or in accordance with the usual practice prevailing in banking business". Soon after this amendment had been made, various associations of employees filed claims for bonus or additional bonus, and the Government of India in 1960 referred to the National Industrial Tribunal (Bank Disputes), Bombay, presided over by Justice K. T. Desai, the task of determining the principles and conditions under which bonus should be payable to bank employees. That tribunal made its award on 21st July 1962 and the award was published on 7th August 1962. The principles of assessing bonus and the conditions in which bonus would be payable by banks were laid down in that award. There was no appeal filed by either the employers or employees against that award probably because in the meantime the Bonus Commission had been appointed for submitting a report as to the principles and conditions of payment of bonus in all industries including banking companies. By the Desai tribunal it was held that bonus should be paid by banking companies out of the profits of the particular year, and that when banks made large profits, it would be wrong in principle for them not to pay bonus to the employees, particularly when there was a gap between the actual wage and the living wage.

3. After the award had been published the bank employees associations started filing claims for assessment of actual bonus. According to the case of the unions, most of the A class banks which had been paying bonus even before the amendment of Sec. 10 of the Banking Companies Act, voluntarily paid additional bonus from the years from 1956 to 1961, but the Allahabad Bank Limited refused to pay any additional bonus for these years voluntarily, and so the dispute went to the Conciliation Officer, namely the Regional Labour Commissioner (Central), Calcutta; but after several hearings the Regional Labour Commissioner (Central), Calcutta was unable to settle the dispute amicably and submitted a failure report in November 1965. Thereafter the dispute was referred to the tribunal.

4. In the order of Reference 5 unions are named, namely (1) All India Bank Employees' Federation, (2) All India Bank Employees' Association, (3) Bengal Bank Employees' Federation, Calcutta, (4) All India Allahabad Bank Employees' Co-ordination Committee, Calcutta and (5) the Allahabad Bank Employees' Union, Calcutta. Out of these 5 unions, No. 3, Bengal Bank Employees' Federation and No. 2, All India Bank Employees' Association, filed detailed written statements; No. 1 All India Bank Employees' Federation adopted the statement of claim filed by the Bengal Bank Employees' Federation which is affiliated to All India Bank Employees' Federation. The All India Allahabad Bank Employees' Co-ordination Committee did not file a separate written statement but appeared at the hearing through duly authorised representatives. The Bengal Bank Employees' Federation in its written statement, after setting out the history of disputes relating to the bonus claim by bank employees, challenged the balancesheets of the Allahabad Bank as prepared in such a way as to make it difficult to find out the available surplus in the absence of further information, and in paragraph 14 of its written statement, asked for certain additional information from the bank authorities. On the basis of the balance sheets, however, the Federation pointed out that after paying dividend at a very high rate viz. 18 per cent and after concealing profits credited direct to secret reserves, the Allahabad Bank had still in its published Balance Sheets carried forward large amounts namely Rs. 4.12 lakhs, Rs. 3.54 lakhs, Rs. 3.58 lakhs, Rs. 3.91 lakhs, Rs. 5.01 lakhs and Rs. 6.04 lakhs during the years 1956 to 1961; and the Federation claimed that the bank was quite capable of paying the additional bonus as claimed in its worksheets, amounting to Rs. 19.02 lakhs for the 6 years, i.e. Rs. 3.92 lakhs, 1.26 lakhs, 0.92 lakhs, 2.94 lakhs, 3.08 lakhs and Rs. 6.90 lakhs for the years 1956 to 1961. It should be mentioned that the bank on the basis of two months' basic pay had already paid out a total bonus of Rs. 6.15 lakhs, 6.88 lakhs, 7.28 lakhs, 7.55 lakhs, 8.32 lakhs and Rs. 9.09 lakhs or a total of Rs. 45.27 lakhs for these 6 years to its employees, both workmen and non-workmen. The All India Bank Employees' Association made an even higher claim for additional bonus, as set out in certain worksheets annexed to its written statement. This association sought to add back the sums shown as 'other expenditure' in the profit and loss account of the balancesheets for determining the gross profit, claiming that the items under 'other expenditure' were inadmissible expenses. This Association further was not inclined to allow any return either on the statutory reserve or the other reserve.

5. The employers in their written statement alleged that the employees who were in every one of these years paid a bonus equal to two months' basic wages or 16 2/3rd per cent of the annual basic wage all along accepted the same without any protest; that employees had made the claim for additional bonus for the

years 1956-61 only recently and that in the circumstances the claim of the employees for additional bonus was not maintainable. The employers also asserted that the claim for payment of additional bonus of Rs. 19.02 lakhs or of any additional bonus was not tenable.

6. Sri A. N. Roy Choudhury appearing on behalf of the employers has referred to certain decisions in support of the case of the employers that in view of the delay in claiming the additional bonus the claim must fail. In *Kashi Iron Foundry and others V their workmen* (1952 I LLJ 199) where claim for bonus for the years 1947-48, 1948-49 and 1949-50 was made in October or November 1950 for the first time, it was held by the Labour Appellate Tribunal that the claim for bonus for 1947-48 and 1948-49 was bad on the ground of delay. It was observed that bonus for the year was payable on the profits earned in that accounting year and that settled accounts for past years could not be reopened on the basis of belated claims for bonus in the absence of very cogent reason for such delay. This view was repeated in several other cases by the Labour Appellate Tribunal, e.g. *Caltex India Limited and their employees* (1952 II LLJ 183), *Burmah Shell, Madras and their workmen* (1954 I LLJ 21) and *Associated Electrical Industries Employees Association V Associated Electrical Industries Limited* (1952 I LLJ 790). The last case was a case in which additional bonus had been claimed after the company had paid a month's basic earning as bonus and the same had been accepted without protest. It was held that when for the year 1949 the bonus paid by the Company in September 1950 had been accepted by the workers without protest, a demand made in March 1951 for additional bonus for the year 1949 must be rejected both on the ground that the claim was belated and on the ground that the bonus for the year had been accepted without any protest. In the written statement filed by the employers in the form of a letter to the Central Labour Commissioner, Calcutta, during the conciliation proceedings (*vide* copy, Ex. K), the management referred to the fact that in the bonus dispute relating to the accounting year 1962 which was referred to another industrial tribunal in 1963, the employees had taken the plea that the rate of 16-2/3 per cent of the basic earning hitherto maintained by the bank up to the year 1961 had become customary and should be maintained. It is necessary to mention in this connection that until 1961 the scale of wages fixed in the Sastry award was in operation, under which the basic salary of clerks of A class banks in the Calcutta area was Rs. 85 to Rs. 280, but this pay scale was enhanced with effect from 1962 under the Desai award to Rs. 140 to Rs. 405, a portion of the dearness allowance being merged with the basic pay. In view of the increased basic pay the Allahabad Bank offered bonus at 11 per cent of the annual basic wages for the accounting year 1962, and this the employees did not want to accept and so the dispute went to the tribunal; ultimately that case was settled amicably before the tribunal the bank offering and the employees accepting 13 per cent of the annual basic wages as bonus for that accounting year. The management relied on the argument raised on behalf of the employees before that tribunal namely that the banking company should maintain the rate of 16-2/3 per cent which they had paid all along until 1961. It has been urged on behalf of the bank that after this the employees unions are estopped from claiming that bonus paid for the years 1956 to 1961 as 16-2/3rd per cent was inadequate or that any additional bonus should be paid for these years.

7. Unfortunately for the management, however, the copy of the written statement of the employees before the particular tribunal which was in seisin of the dispute for bonus for the year 1962, has not been produced before me, and it is therefore not possible for me to be satisfied that such a plea had been advanced on behalf of the employees before that tribunal. As to the belated nature of the claim for additional bonus for the years 1956 to 1962, some explanation has been given on behalf of the unions. It has been said that the Allahabad Bank Limited was a party in the bonus dispute before Justice K. T. Desai's tribunal; that the Allahabad Bank employees and other bank employees had shortly after the amendment of Section 10 of the Banking Companies Act made claims for additional bonus from 1956, and that the Government first referred to the Desai tribunal the question of principles on which and condition in which bonus should be awarded, and it was left to the individual banks and their employees to settle the question of bonus for the disputed years by subsequent negotiation; and according to the unions most of the A class banks other than the Allahabad Bank have settled the dispute for additional bonus for the years 1956 to 1961 amicably. Thus on behalf of the union, Sri Sushil Ghose, an employee of the Bank of India and the General Secretary of the Bengal Provincial Bank Employees Association, which is affiliated to the All India Bank Employees Association, has deposed that the Bank of India paid bonus during 1956 to 1963 at the rate of 3 months' basic pay and that the employees raised a dispute for additional bonus for the period 1956 to 1963 and a settlement was made in 1965 by which the employees got an additional

bonus for the years 1956 to 1963 to the extent of 10 per cent of the bonus already paid to them for these years. The witness added that amicable settlement for additional bonus for the years 1956 to 1961 was made between the management and employees of some other A class banks, e.g. Bank of Baroda Ltd., Central Bank of India, Punjab National Bank, the United Commercial Bank and so on, including the Chartered Bank to which the Allahabad Bank is affiliated. It appears from paragraph 49 of Justice Desai's award relating to bank bonus that in the month of April 1959, the All India Bank Employees Association by its charter of demands made a demand *inter alia* in connection with the bonus or additional bonus for the years 1957 and 1958. Schedule 1 annexed to the order of reference in that case shows the Allahabad Bank Limited is one of the 73 banks whose management and employees were concerned in the dispute. The award was made in July 1962. It is natural that so long as the reference case was pending, the associations of employees should not have made any further demand for bonus or additional bonus, but sometime after the award was made in July 1962 they started making claims for additional bonus upto the year 1961, and many A class banks did make an amicable settlement of the claim for additional bonus; the evidence of Sri Sushil Ghose referred to before has not been contradicted on behalf of the management. In the circumstances the claim for the additional bonus for the past years cannot be rejected merely on the ground that the claim is belated. This however does not apply to the claim for the year 1956, because it does not appear that the All India Bank Employees Association initially made a demand for bonus or additional bonus for the year 1956. Paragraph 49 of Justice Desai's award refers to the claim for bonus of 1957 and 1958 only. Thus the claim for additional bonus for 1956 does appear to be belated. There is also another legal objection to the claim for additional bonus for the year 1956. It has been mentioned that Section 10 of the Banking Companies Act was amended by Act 25 of 1956 but this amendment came into force on 14th January, 1957. The amendment was not made retrospective. Though bonus for the accounting year 1956 might be paid in 1957, still the bonus would be payable on the work in the year 1956. Reference may be made to the observation of the Supreme Court in the case, Central Bank of India V their workmen (1960 I SCR 200), that bonus is a remuneration which takes the form of a share in profits. Hence the bonus for 1956 though it was paid in 1957 would be part of the employees remuneration for 1956, and as the amendment to Section 10 was made with effect from 14th January, 1957, and was not retrospective, the claim for additional bonus for 1956 is not legally entertainable. It is only bonus for the accounting year 1957 and subsequent years that would be payable in view of the amendment of Section 10.

8. The claim for additional bonus for 1956 must therefore fail, but the claim for the years 1957 to 1961 cannot be defeated on the plea that it is a belated claim. The case of the parties with reference to the years 1957 to 1961 must therefore be examined.

9. There is an argument advanced by the representatives of the unions that the bonus paid already by the banking companies for the years 1956 to 1961 was a customary bonus or bonus paid as the result of an implied contract of service and not a profit sharing bonus, and that in the circumstances the employees are entitled to claim a profit sharing bonus for the same years when the bar to such claim has been removed by amendment of Section 10 of the Banking Companies Act. There is however the evidence of Shri A. Ghose, Chief Accountant of the Allahabad Bank, that bonus at the rate of two months' basic pay for the years in question was always paid out of profit, although it was not a definite percentage of the profit. The Allahabad Bank, like several other A class banks, was making a large profit, and the bank paid bonus to the employees to keep them contented, even though legally at that time the employees could not claim a share of the profit. But the bonus was always paid out of the profit and there is no evidence that it was ever paid in a year in which the bank did not make a profit. Accordingly, the bonus paid cannot be regarded as a customary bonus, neither can it be said that it was bonus paid under an implied contract of service or that it was a part of the wage bill of the employees. This point was dealt with by Justice Desai in his award made in July 1962; Justice Desai referred to the decision of the Supreme Court mentioned previously that the bonus paid was a remuneration taking the form of a share in the profits. The question whether the bonus already paid was customary bonus or bonus paid under an implied contract is however largely academic, because I have come to the conclusion that even though the employees were paid bonus at the rate of two months' basic pay out of profits, their claim for an additional bonus out of profits is not barred, so far as the years 1957—1961 are concerned.

10. The Banking Company submitted a statement of available surplus worked out according to the Desai award before the Conciliation Officer, this statement being an annexure to the letter Ext. K. Out of the prior charges claimed by the Banking Company in this statement one item objected to by the unions is the sum of Rs. 4.50 lakhs transferred to the reserve fund in 1961, in accordance with the recommendation of the Reserve Bank contained in a circular letter issued to all the scheduled banks on December 27, 1961, *vide* copy marked Ext. L. Under Section 17 of the Banking Companies Act as it then stood, the Banking Companies were required to transfer 20 per cent of their declared profit to the published reserve until such time as the reserve fund became equal to the paid up capital. By the circular Ext. L the Reserve Bank recommended that even though the reserve fund was equal to the paid up capital, the scheduled banks should transfer 20 per cent of the declared profit to the published reserve until their published reserve together with the paid up capital reached a level of at least 6 per cent of their deposits. The Governor of the Reserve Bank in that letter expressed apprehension as to the stability of the banks because with the growth of deposits the ratio of paid up capital plus reserve to the deposits had steadily declined from 9 per cent in 1950 to 5 per cent in 1960. In 1961 the declared profit of the Allahabad Bank was Rs. 22,49,414; taking this as equivalent to 22.50 lakhs the bank transferred 20 per cent thereof, Rs. 4.50 lakhs, to the reserve in 1961 in accordance with the recommendation of the Reserve Bank contained in the letter Ext. L, even though the reserve fund of the Allahabad Bank was more than paid up capital. In 1962, Section 17 of the Banking Companies Act was amended so as to make it compulsory for every banking company to transfer out of the profits a sum equivalent to not less than 20 per cent of the profits before declaration of any dividend. By the amendment it was not left to the discretion of the bank to make the transfer to the reserve fund until their reserves together with the paid up capital reached 6 per cent of the total deposit but they must obtain an order from the Central Government on the recommendation of the Reserve Bank if they want exemption from the provision of transferring at least 20 per cent of the disclosed profits to the reserves. This amendment came into force on September 16, 1962. The unions have urged that in 1961 there was only the recommendation of the Reserve Bank and it was not compulsory for the bank to transfer 20 per cent of the disclosed profits to the Reserve fund and that therefore this sum of Rs. 4.50 lakhs should not be allowed as a prior charge for assessment of the bonus. Now, in the present reference case, the bonus must be assessed in accordance with the scheme laid down in the Desai award relating to bonus of banking companies. The payment of Bonus Act 1965 does not apply to the present case. After the amendment of Section 10 of the Banking Companies Act, the Desai tribunal on a reference by the Government laid down the principles and conditions, under which bonus should be payable to the employees of the banking companies. These principles were naturally intended to be followed in actual assessment of bonus for bank employees, until the Desai award was superseded by the Payment of Bonus Ordinance, followed by the Payment of Bonus Act. Justice Desai dealt with the question of voluntary transfer by the Banking companies to the reserve fund in accordance with the recommendation of the Reserve Bank of India in paragraph 97 and 98 of his award, and he came to the conclusion that for the purpose of calculation of bonus, a sum equivalent to 20 per cent of the profit transferred to the Reserve fund in accordance with Section 17 of the Banking Companies Act (as it then stood) or in compliance with the convention sought to be set up by the Reserve Bank (according to the circular letter, Ext. L) should be allowed as a prior charge. The representatives of the unions urged that this recommendation or direction of the Desai award should not be followed, but in view of the legal position explained we are bound to follow the recommendation or direction of the Desai award in this respect and therefore the objection to the sum of Rs. 4.50 lakhs being allowed as a prior charge must be disallowed.

11. The next point urged by the unions strenuously is that the return of 4 per cent on "other reserve" claimed in the statement of available surplus prepared by the Bank, should not be allowed as a prior charge. During all the years from 1957 to 1961 the bank had the sum of Rs. 1.08 crores in the reserve fund; according to the information supplied by the banking company, Ext. I, out of this sum the statutory reserve amounted to Rs. 45.50 lakhs and other reserve to Rs. 62.50 lakhs. The paid up capital during all these years were 45.50 lakhs and under Sec. 17 of the Banking Companies Act before the amendment of 1962, the banks were required to transfer not less than 20 per cent of the disclosed profits to the reserve fund until the reserve fund became equal to the paid up capital. This is the statutory reserve. The Allahabad Bank in the past continued to make further

transfer to the reserve until there was an excess of Rs. 62.50 lakhs in the reserve fund and this amount is described as "other reserve". Justice Desai laid down that interest at $4\frac{1}{2}$ per cent on the statutory reserve should be allowed as a prior charge, and in respect of other reserve, if any, his direction was that if the other reserve was used as working capital, interest at 4 per cent thereon should be allowed as prior charge. Sri Monoranjan Bose appearing for the All India Allahabad Bank Employees Co-ordination Committee has urged that if the banking company wants to deduct interest at 4 per cent on the "other reserve" as a prior charge for the purpose of calculation of bonus, the burden of proof is on the bank to show that the money in the other reserve was actually used as working capital of the bank. In this connection Shri Bose has referred to *Petlad Turkey Red Dye Works Company V. Workers Union*, [1960 (I) LLJ 548], where the Supreme Court laid down that the balance-sheet by itself cannot be taken as proof that the reserve has been used as working capital, and that the industrial courts should insist upon clear proof of this; and also the *Aluminium Corporation of India Ltd.*, and their workmen (1963 II LLJ 629) where it was held *inter alia* that in the absence of proper evidence the balance-sheets cannot be relied upon in support of the claim that reserves have been used as working capital. Under the Payment of Bonus Act, interest on other reserve is allowable as prior charge even without proof that the other reserve has been used as working capital, it having been pointed out by the Bonus Commission that it was difficult to prove in a court of law that the reserve had actually been used as working capital. But as mentioned before, this case is governed not by Payment of Bonus Act but by the scheme of the Desai award as well as ruling of the Supreme Court on the subject, and therefore in the present case I must agree with Sri Bose that the burden of proving that the other reserve has been used as working capital is on the banking company. The management of the Allahabad Bank only tendered two of their officers for cross examination, namely Sri A. Ghose, the Chief Accountant and Shri S. K. Khanna, an Establishment Officer, apart from filing the statements containing some relevant information and the balance-sheets for the years in question. In cross-examination, Sri A. Ghose was asked about this matter and he said that the other reserve was used as working capital of the bank, being merged in the general fund, i.e. the day to day working fund of the bank, and that this could be seen by a perusal of the accounts maintained by the bank. Now, apart from the balance-sheets no accounts of the bank have been produced before the tribunal. From the balance-sheets it is very difficult to understand whether or not the sum of Rs. 62.50 lakhs in the other reserve has actually been used as working capital. Under Section 42 of the Reserve Bank Act, a scheduled bank is required to keep 5 per cent of its demand liabilities, and 2 per cent of its time liabilities, with the Reserve Bank; and under Section 24 of the Banking Companies Act, before an amendment made in 1962, every bank had to keep not less than 20 per cent of its total time and demand liabilities in cash, gold or unencumbered approved securities. The Allahabad Bank during the relevant years kept considerably more in cash and securities. The cash in hand and with the Reserve Bank and State Bank together with Government and other securities have ranged between 31 and 41 per cent of the total time and demand liabilities, as against $22\frac{1}{2}$ or 23 per cent minimum required. Apart from this, during all these years the Allahabad Bank had a good sum of cash advanced as call money or kept in current Accounts or time deposits in other banks; most of these funds were in the parent bank, namely, the Chartered Bank. The balance-sheet of 1957 shows Rs. 6.80 crores at call and short notice which is approximately 17 per cent of the time and demand liabilities for the year, and the statement, Ext. M, shows that out of this sum as much as Rs. 6.50 crores was advanced to the Chartered Bank as call money. In 1958 the balance-sheet shows that the total money at call or short notice was Rs. 5.50 crores, and Ext. M shows that whole of this money had been advanced to the Chartered Bank. The balance-sheet of 1959 shows Rs. 5.50 crores in deposit accounts in India and the statement, Ext. M, shows that the deposit was with the Chartered Bank. Similarly the balance-sheets of 1960 and 1961 together with the statement Ext. M show that in 1960 Rs. 5.50 crores was in deposit with the Chartered Bank and in 1961 Rs. 5 crores. Shri A. Ghose on behalf of the bank has urged that by making such advances to or deposits with the Chartered Bank, the Allahabad Bank was not losing any money because the call money was advanced at more than market rate and the deposit was also made at not less than the market rate. The rate of advance or deposit with the Chartered Bank and the market rate at that time are also shown in this statement, Ext. M, and it appears to be true that the call money was advanced or deposited with the Chartered Bank at not less than the market rate of call money or deposit, but in 1960 and 1961 the rate for call money was higher, than $4\frac{1}{2}$ per cent at which the money had been deposited in the Chartered Bank. Thus if the money had not been kept in deposit with the Chartered Bank but, advanced as call money, the bank would have made more profit. It has also been

urged by Sri Bose for the unions that by negotiating commercial loans for which the rate was 1½ per cent to 3 per cent above the bank rate, i.e. the Reserve Bank rate, of 4 per cent, the bank could have made a much larger profit. It does appear that the Allahabad Bank allowed a good proportion of its fluid resources to be placed at the disposal of its parent bank, the Chartered Bank.

12. This favouring of its parent bank by the Allahabad Bank Ltd. is however not strictly relevant to the point at issue. The point is that the Allahabad Bank had 31 to 41 per cent of its current and demand liabilities in cash and securities, and about 17 per cent more in fluid resources in the shape of call money or current deposits or time deposits with other very solvent banks. In the circumstances, it is impossible to trace from the balance sheet what was happening to the sum of Rs. 62.50 lakhs in the reserve. As I have stated before, it is not possible to find from the balancesheet that the other reserve was actually used as working capital by the bank, and in the absence of other corroborating evidence it is difficult to accept the uncorroborated testimony of Shri A. Ghose of the bank made in reply to questions in cross examination. Accordingly, I decide this point in favour of the unions that interest of 4 per cent on the other reserve should not be allowed as a prior charge in the calculation of bonus.

13. Next, there is the question whether amount for rehabilitation should be allowed as a prior charge. According to the statement of available surplus, the bank has claimed 2 per cent of the adjusted profit or gross profit for the purpose of bonus as rehabilitation charge, and in support of the claim of Sri A. Ghose has referred to the Bonus award. In paragraph 109 of this Award, Justice Desai referred to the claim of the All India Bank Employees Association that no provision for rehabilitation should be allowed on buildings and other fixed assets, but observed that there was no reason why banking companies should be treated differently from other companies, and rejected the contention of the bank employees association. Justice Desai observed that the demand for rehabilitation would relate mainly to buildings Safe Deposit vaults, Air conditioning plants, account machines, etc. and he directed that principles laid down by the Supreme Court in Associated Cement Company's case should be followed. Justice Desai did not however lay down any percentage for rehabilitation charges allowable as prior charge. According to the decisions of the Supreme Court it is for the employers or management to prove the claim as to rehabilitation charges. Among other cases, reference may be made to Aluminium Corporation of India Limited and their workmen (1963 II LLJ 629) where *inter alia* it was observed that for rehabilitation charge the employer must establish their claim by proper evidence. Sri A. Ghose stated that claim of 2 per cent of adjusted profit had been made in accordance with the recommendation of the Indian Banks Association. But the recommendation of the Banks Association cannot be regarded as a valid ground for allowing a charge for rehabilitation. It is for the management to prove the claim as to rehabilitation charge. The bank has filed a statement of the money spent in annual repairs and rehabilitation *vide* Ext. J. That the bank spent this money on annual building repairs and rehabilitation has not been challenged. But these figures for annual repairs and rehabilitation expenses have been charged to expenditure in the profit and loss account of each year before working out the balance of profit. Item 8 of the expenditure side of the profit and loss account of each year reads "depreciation on and repairs to the banking company's property" and the figure against the item each year is the sum total of the amount claimed on account of depreciation and the amount spent in repairs as stated in Ext. J. This is seen by comparing the figure against item 8 of the expenditure side of the profit and loss account as mentioned above, with the figure for depreciation on premises and furniture and fixtures in items 8 and 9 of the property and assets side of the balancesheet. Since the amount spent on repairs has already been charged as expenditure before ascertaining the balance of profit, it is clear that the amount cannot be charged over again as rehabilitation charge. Thus the claim for rehabilitation charge must be disallowed.

14. The union have next objected to the bonus paid to (a) Treasurer, (b) General Manager and has claimed that the bonus paid to them should be added back to the profits and be available for distribution to the workmen as bonus. It appears from the evidence of Shri S. K. Khanna that the General Manager was paid a bonus equal to two month's basic pay, his basic pay being Rs. 4000. It appears from the balancesheet however that for the year ending 31st December, 1958 the General Manager was paid Rs. 7,000, and he was paid Rs. 8,000 in the remaining years under consideration. As regards the treasurer it appears from the statement, Ext. G, taken with the evidence of Shri S. K. Khanna that the treasurer was paid a bonus at the rate of Rs. 8,000 for the years 1957 and 1958 and at Rs. 12,000 for the years 1959, 1960 and 1961. A sum of Rs. 600 over

and above Rs. 12,000 shown against the year 1961 in Ext. G represent the bonus paid to a Cash Inspector; the sum of Rs. 12,000 only was the bonus paid to the treasurer.

15. The payment of bonus to the General Manager has been objected to as in addition to his basic pay of Rs. 4,000 per month, he is allowed considerable additional allowances and perquisites. It appears from the balancesheet that the total remuneration paid to the General Manager for the year 1957 was Rs. 71,400 and for each of the years 1958 to 1961 it was Rs. 72,400. Thus there is no doubt about the General Manager being paid certain allowances and perquisites in addition to his basic pay. But as was pointed out by Justice Desai in his award, the profits in banking companies depend very largely on the intelligence and judgment of the office *s vide* para 41, the General Manager is the top officer controlling the business of the bank and choosing the right investments; if a business advance be granted to an unreliable party, it is clear that the bank would suffer a considerable loss. In para 110, Justice Desai, while observing that out of the available surplus the labour will be the major claimant, has taken the trouble to clarify that the term 'labour' in this connection will cover both the workmen and non workmen, i.e., the clerical and subordinate staff as well as officer staff. Under the Payment of Bonus Act, officers drawing a pay of over Rs. 1600 per month are excluded from the distribution of bonus, but that is not the scheme of Justice Desai's bonus award. There is no reason therefore for disallowing the bonus paid in each of these years to the General Manager.

16. The treasurer stands on a different footing. As Sri S. K. Khanna has explained, the treasurer is appointed under agreement and it is the business of the treasurer to accept responsibility for any shortage which may be due to carelessness or defalcation by a bank's cashier, and it is also his business to provide a suitable substitute when a bank's cashier goes on leave or is otherwise unable to perform his duty and it is the treasurer who pays his travelling allowance to and from the place of joining. The treasurer also sends suitable substitutes for peons who work in the cash department. According to Shri Khanna, the two brothers who jointly work as the treasurer are being paid about Rs. 10,000 per month and out of this amount about Rs. 4,000 is considered to be their expenses and Rs. 6,000 as basic pay and on that footing, Rs. 12,000 was paid as bonus to them for the last three years of the period under consideration. During 1957 and 1958 their basic pay was taken to be Rs. 4,000 per month, and Rs. 8,000 was paid as bonus. The treasurer is the guarantor of the cash departments of more than 100 branches of the Allahabad Bank throughout India. It does not appear therefore that the treasurer is really a regular employee of the Allahabad Bank. The two brothers working as treasurer stand in the position of a fidelity guarantee company, and their relationship with the Allahabad Bank is governed by an agreement. Shri Khanna said that they had customarily been paid a bonus from a long time. But it cannot be said that this bonus is a bonus paid to an employee, and I therefore agree with the contention of the unions that the bonus paid to the treasurer should be excluded is ascertaining the amount of bonus already paid to the employees.

17. The unions have also urged that the large expenditure shown under item 11 of the expenditure side of the Profit and Loss Account reading "other expenditure" should be disallowed. This item is a considerable item being Rs. 6.48 lakhs in 1957 rising to Rs. 10.03 lakhs in 1961. The employees Federation asked for a break up of this item of 'other expenditure' and the bank furnished a statement, Ext. D, merely giving sub-heads of the other charges, e.g., subscriptions and donations, travelling expenses, conveyance, entertainment and so on, without showing the amount under each sub-head. Shri Roy Choudhury explained that the figures for the sub-heads were being collected from all the branches and would take some time to compile. As it was not considered necessary to wait for the compilation, the management was asked to give the figures for donations only and they supplied the figures. The unions have objected to two of the sub-heads namely, sub-head 8 "cost of small articles of nominal value used in replacements" and sub-head 9 "Miscellaneous expenses". They have argued that if the figures of expenditure on small articles used in replacements had been furnished, the unions might be in a position to argue that this was capital and not revenue expenditure. But cost of replacements cannot be capital expenditure and the argument must be rejected. As regards sub-head 9, it has been urged that all the possible other expenditure must come under the specific sub-heads mentioned, and therefore a further expenditure under the sub-head "Miscellaneous Expenses" is suspicious and may be taken to represent a *mala fide* swelling of the expenditure in order to reduce the profits. The accounts are however audited by a respectable firm of Auditors, and there is no reason to think

that fictitious or *mala fide* expenditure was shown by the bank in the sub-head "Miscellaneous Expenses". In the circumstances, the objection as to the sub-head "Miscellaneous Expenses" must also be dis-allowed. So the claim of the union that the "other expenditure" should be added back to the gross profit must be rejected.

18. *Undisclosed fund and profit on purchase and sale of securities.*—Shri Daroga Singh on behalf of Employees Federation has made a grievance to the fact that the bank has not disclosed the figures for provision for income tax and has also not shown the profit on the purchase and sale of securities. In respect of these items the management has claimed privilege under Section 34A of the Banking Companies Act, which provides that no banking company shall in any proceedings under the Industrial Disputes Act be compelled to disclose any statement or information when the banking company claims that such statement or information is of a confidential nature and that the disclosure of such statements or information would involve disclosure of information relating to any reserves not shown in its published balancesheets or any particular not shown in the balancesheet in respect of provisions made for bad and doubtful debt and other usual or necessary provisions. In other words, the law permits the banks to have secret reserves which are considered necessary to enable the banks to meet sudden emergencies in the banking and commercial world resulting in a sudden run on the bank. Justice Desai also in his award referred at some length to this point and accepted the position that it is open to the bank not to furnish details of provisions for taxes from year to year or details of actual payment of taxes and to maintain a secret reserve not shown in the published balancesheet. In the circumstances, the bank should not be compelled to furnish particulars of provision for taxation from year to year or figures of actual tax paid. Similarly in respect of profit on the purchase and sale of securities, it has been claimed by the bank that profit if any under this head is transferred directly to the secret reserve and therefore no account thereof can be furnished. Shri Daroga Singh has urged that this gives considerable latitude to the banking companies to conceal profits and thus deny the claim for bonus to a large extent; and Shri Singh has suggested that the tribunal should take recourse to the provisions of Sub-section (2) of Section 34A which provides that in appropriate cases the authority i.e. the tribunal may if it so thinks fit refer the question to the reserve bank of India so that the Reserve Bank may after taking into account the principles of sound banking and all relevant circumstances, furnish to the authority a certificate stating that the authority shall not take into account any amount as such reserves and provisions of the banking company, or may take them into account to the extent of the amount specified by the Reserve Bank in its certificate. I do not however consider that in the circumstances of the present case it is necessary to make such a reference to the Reserve Bank. It cannot be said that on the whole the bank has been ungenerous with its employees. The bank has been consistently paying bonus at the rate of two months' basic pay from 1945, even when the sharing of the profits by the employees could not be legally claimed. Further, as regards the amount earned as profits on the purchase and sale of securities the banking company is justified in regarding such profits when they occur as a fund to which neither the shareholders nor the employees have any claim, because the profits are not earned by the efforts of the employees or from the regular business for which the funds were originally subscribed to by the shareholders. It is merely a profit from sound speculation. In this connection Shri Roy Choudhury on behalf of the management has referred to the decision, *Pierce Leslie & Co. Ltd., V. its workmen* (1956 1 LLJ 458) where the Labour Appellate Tribunal observed that the workmen would be entitled to a share of the profits in the shape of bonus only if they had a hand in earning that profit and the amount earned as interest on investment being un-related to the employees' efforts, the employees could not claim a share in such income. The observation also applies to the profits earned by speculation in securities, i.e., by sale and purchase of shares so as to earn a profit. Thus the claim for disclosure of the provisions for income tax and of the accounts of profit from the sale and purchase of securities transferred to secret fund must fail.

19. Shri Singh has also urged on the basis of evidence of Shri A. Ghose that the sum of Rs. 3.12 lakhs of outstanding profits of the Pakistan Branches now remaining in an account in the name of Allahabad Bank with the Lahore branch of the Chartered Bank, should be included in the accounts for the years 1956 to 1961 and should be included as profit of the Allahabad Bank for the purpose of calculation of the bonus. Shri Ghose has explained that the Allahabad Bank had three branches in Pakistan, but owing to difficulties the Allahabad Bank sold its good will and the business of the three branches to the Chartered Bank and that the Allahabad Bank has been unable to transfer to India the profits of the three branches and has therefore been compelled to keep it in an account in the name

of Allahabad Bank in the Lahore Branch of the Chartered Bank. Since the money could not be transferred to India from Pakistan, there is no substance in the claim that the money should be included as profits for the purpose of distribution as bonus to the employees in India, even apart from the question that there is hardly any justification for the claim that the profits arising by the working of the bank in 3 branches in Pakistan should be distributed as bonus to the employees in India. Accordingly, this claim for inclusion of Rs 3.12 lakhs for the purpose of bonus in the present case must be rejected.

20. *Income tax rebate on bonus*—The Unions have claimed that on the bonus paid the bank gets a rebate on the income tax paid and therefore this rebate should be added back as profits. Shri A. Ghose has argued that the figure for bonus paid has been included in the balancesheet and that the income-tax relief obtained thereon has already been taken into consideration in making the provision for income-tax. On this point, Shri Ghose did not give any evidence. The profit and loss account of each balancesheet on the income side contains the observation "less provision made during the year for bad and doubtful debts and other usual and necessary provisions". Other provisions necessarily include provisions for income tax. The total income of the bank is shown in the published balancesheet after excluding the provisions made for bad and doubtful debts and income tax and other usual provisions. In respect of provision for income tax, the bank has claimed the privilege of non-disclosure under Section 34A of the Banking Companies Act, and it cannot be seen whether the relief in respect of bonus paid has already been taken into consideration in making the provisions for income tax. Moreover, the bonus paid is not included as an item of expenditure in the profit and loss account. It is mentioned in the balancesheet against head 9 on the Capital and Liabilities side. The first item thereunder is the balance as per last balancesheet and then the appropriations are shown, namely the payment of dividends to shareholders and the bonus paid to staff. Thereafter profit for the year as per the profit and loss account is added, and appropriations already made from that are also noted, namely payment of interim dividend, transfer to trustees staff pension fund and so on. This mode of entry of the bonus paid for the last year makes it very unlikely that the income tax relief obtained on payment of bonus has already been taken into consideration in making the provisions for income tax. In the absence of evidence on the point, I must hold that the income tax relief on the bonus paid has not been included in the provisions made by the bank for income tax, and therefore, the relief or rebate granted by the income tax authorities on the bonus paid should be taken into consideration in fixing the share of bonus out of the available surplus. This figure however is not to be added back to the profits before the allocation of the share of the available surplus to bonus. It has been held by the Supreme Court in several cases that the amount which the employers will get by way of rebate of the income tax on the amount paid as bonus should be taken into account when deciding the share of the employees to the available surplus. Reference may be made among other cases to *Associated Cement Company Ltd and their workmen* (1959 1 LLJ 864) and *Bajinder Mills Ltd and their workmen* (1960 11 LLJ 53). In the latter case it was held that the distribution of the available surplus should roughly be half and half between the employees and the company, but the amount of rebate in income tax on the bonus paid must be taken into consideration, in other words, the share of the employees should be such as is roughly equal to the remaining share plus the rebate of income tax on the bonus.

21. *Non workmen whether entitled to additional bonus*—On behalf of the unions it has been urged that the adjudication by the industrial tribunal concerns the claims of workmen only and since officers are not workmen they cannot participate in any additional bonus that may be allowed by the tribunal. It is no doubt true that the claim of the workmen has chiefly to be considered in all adjudications of industrial disputes, but the bonus to employees of banking companies has to be paid in the present case according to the scheme laid down in the Desai award, and reference has already been made to the direction of Justice Desai in his Award, that while the labour may claim a major share of available surplus by way of bonus, the term 'labour' for the purpose must include both workmen and non-workmen. In the circumstances, it must be held that though the adjudication is at the instance of the workmen any additional bonus which may be allowed by the tribunal must be shared by non-workmen also. The workmen will however receive the major portion of the additional bonus. The company has given figures showing the distribution of bonus during 1956-61 among workmen and non-workmen, vide Ext C. During 1957-61, the total amount of bonus paid to workmen came to Rs 30.60 lakhs out of the total paid out in bonus, excluding the amount paid to the Treasurer, of Rs 38.60 lakhs. This comes to 79.27 per cent. No doubt on the basis of two months' basic pay, the officers

individually received higher amounts than the workmen, but the bonus must be a definite percentage of the basic pay; under the Payment of Bonus Act, it is a definite percentage of the total remuneration.

22. Next, there is a question of the proportion of the available surplus to be distributed. Shri Monoranjan Bose has claimed that 80 per cent of the available surplus should be distributed as bonus while Shri Daroga Singh has claimed 87 per cent. On behalf of the management it has been urged that the share of the employees should be not more than one-half of the available surplus. Shri Roy Choudhury has referred in this connection to several decisions. In *Larsen and Toubro Ltd. and their workmen* (1955 II LLJ 239) the LAT decided that it would not be proper to grant more than one-half of the available surplus as bonus to the workmen, because the business of the concern mainly consisted of import on indent basis of machinery for sale, and the efforts of the clerical staff and workmen in earning the profits of the company were comparatively small. The question of sharing of the available surplus was also considered by the LAT Full Bench in the case of *Mill Owners Association, Bombay V. Rastriya Mill Mazdoor Sangh, Bombay* (1950 II LLJ 1247) where it is observed that so far as the workmen are concerned, the gap between the actual wages and living wage should be considered, and where the workers are already getting a living wage, bonus should be considered as an incentive to greater efficiency. No definite percentage of allocation of the available surplus to bonus was laid down but it was observed that this would depend on the circumstances including the wage structure, the contribution of the employees to the earning of profit the amount of available surplus and other considerations. In the *Associated Cement Company Ltd's case* (1959 I LLJ 644) the Supreme Court observed that the available surplus should be shared between the labour, the industry or the company and the shareholders, but no definite proportion for sharing was worked out in that case. In *Rohtas Industries Limited V. its workmen* (1960 II LLJ 49) and *Rajendra Mills Ltd., V. their workmen* (1962 II LLJ 53) it was observed by the Supreme Court that where the surplus was not considerable and where there is not much evidence as regards the relevant factors to be considered in dividing the available surplus, the distribution should be half and half between the industry and the workmen, but in considering the share of the industry the income tax rebate earned by the management on the bonus paid should be taken into consideration. It is also necessary in respect of banking companies to remember the directions of Justice Desai in his Bonus award that after all the prior charges have been met, the major share of the available surplus should go to the labour including the workmen and non-workmen. If 80 per cent of the available surplus is given as the share of labour, the banking company gets the remaining 20 per cent plus 44 per cent of 80 per cent or 35.2 per cent as income tax rebate, or 55.2 per cent in all; during the relevant years the rate of income tax on the profits of companies was 44 per cent or 7 annas in a rupee, I consider the above sharing, namely 80 per cent and 55 per cent as fair in view of the circumstances. The share of the company in the available surplus cannot justifiably be further reduced because out of that balance the company must meet the additional dividend paid to shareholders (only 6 per cent dividend on paid up capital is allowed as prior charge but the Allahabad Bank has been paying 18 per cent during all these years), the customary bonus to the treasurer, the contribution to the trustees staff pension fund (which has not so far been recognised by the income tax authorities) and so on. No doubt these payments have already been made but the scheme of allocation of the available surplus must show the fund from which these payments were made or could have been made; it is not admissible to suggest that the Bank may have paid them from its large undisclosed funds or secret reserves. The secret reserves are for use in emergencies only.

23. The following chart shows the calculation of the available surplus and the additional bonus for the years 1957 to 1961 after deducting the bonus already paid. The bonus to the treasurer has been omitted from the figure of bonus paid so that practically that amount has been added back to the figure for additional bonus:—

Figures in Lakhs of rupees

	1957	1958	1959	1960	1961
Profit as per Profit and Loss Account	13.68	13.71	16.27	17.35	22.49
Depreciation as per Balance-sheet	1.83	2.01	1.94	2.11	2.57
Donations . . . . .	..	.03	.03	.04	.08
Gross Profits	15.51	15.75	18.24	19.50	25.14

Transfer to Revenue . . . . .	..	..	..	..	4.50
6% on Paid up Capital	2.73	2.73	2.73	2.73	2.73
4-1/2% on Statutory Reserve	2.05	2.05	2.05	2.05	2.05
Depreciation calculated according to I. Tax Act	1.64	1.76	1.84	1.88	2.60
	6.42	6.54	6.62	6.66	11.88
Available Surplus	9.09	9.21	11.62	12.84	13.26
Bonus at 80%	7.27	7.37	9.30	10.27	10.61
Bonus paid less bonus paid to treasurer	6.80	7.20	7.43	8.20	8.97
Additional Bonus ^a . . . . .	.47	.17	1.87	2.07	1.64
Balance of available surplus ^a with income tax rebate	1.82+	1.84+	2.32+	2.57+	2.65+
	3.20	3.24	4.09	4.52	4.67
	5.02	5.08	6.41	7.09	7.32
Additional Bonus expressed as a per- centage of bonus already paid	6.91	2.36	25.13	25.24	18.28

For five years from 1957 to 1961 = 16.11.

24. The result is that for the years 1957 to 1961 the workmen and non-workmen together (excluding the treasurer) will get additional bonus to the extent of .47, .17, 1.87, 2.07 and 1.64 lakhs, or a total of Rs. 6.22 lakhs for the 5 years, in addition to Rs. 38.60 lakhs already paid by the banking company as bonus. This works out at roughly 16.11 per cent of the bonus already paid, out of which 79.27 per cent will go to the workmen, and therefore this is a more favourable result for the labour than the suggestion which Sri Sushil Ghosh made at one stage on behalf of the Bengal Provincial Bank Employees Association, that the Allahabad Bank Limited might be directed to pay at least 10 per cent of the bonus already paid for the years 1956 to 1961, as was done by the Bank of India Limited.

25. Accordingly, my award is that the claim of the workmen of the Allahabad Bank Limited for additional bonus over what has already been paid is not justified for the year 1956, but it is justified for the years 1957 to 1961, and that an additional bonus to the extent of .47 lakh for 1957, .17 lakh for 1958, 1.87 lakhs in 1959, 2.07 lakhs in 1960 and 1.64 lakhs in 1961 or Rs. 6.22 lakhs in all must be paid by the management of the Bank to workmen as well as the non-workmen or officers employed by the Bank, but excluding the Treasurer, the division being made in proportion of the basic pay of each individual workman or officer.

(Sd.) S. K. SEN,

Dated, 4th April, 1967.

Presiding Officer.

[No. 51/54/65/LRIV.]

S.O. 1497.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal No. 2, Calcutta in respect of an industrial dispute between the employers in relation to the Union Co-operative Insurance Society Limited, Calcutta and their workmen which was received by the Central Government on the 13th April, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, CALCUTTA

REFERENCE No. 145 OF 1966

PARTIES:

Employers in relation to the Union Co-operative Insurance Society Ltd.,
Calcutta,

AND

Their workmen.

PRESENT:

Shri S. K. Sen—Presiding Officer

APPEARANCES:

On behalf of Employers.—Shri Nikhil Ranjan Roy, Advocate

On behalf of Workmen—Shri R. N. Bandopadhyaya, Advocate.

STATE: West Bengal.

INDUSTRY: Insurance.

AWARD

By Order No F 70(2)/66-LRIV dated 12th May 1966, the Central Government referred for adjudication an industrial dispute between the employers in relation to the Union Co-operative Insurance Society Limited, Calcutta and their workmen in respect of the subject matter mentioned in the following schedule:

"(1) Whether the management of the Union Cooperative Society Limited, Calcutta was justified in dismissing Shri Rabindra Nath Ghosh from service with effect from the 18th August 1965?

(2) If not, to what relief is the workman entitled?"

2. Shri Rabindra Nath Ghosh was appointed as an office assistant at the Calcutta office of the Union Co-operative Insurance Society Limited with effect from 1st January 1960 at the consolidated monthly salary of Rs. 125/-. He was confirmed by order dated 29th June 1960 when he received an increment of Rs 25/-. By order dated 15th March 1965 of Shri A. Choudhury, Area Manager, Calcutta, Rabindra Nath Ghosh was transferred temporarily to the Cuttack office and he joined there on 22nd March 1965. On 9th April, 1965 he wrote a D.O. letter to Shri A. Choudhury stating that there was no work for him at the Cuttack office and so he was leaving Cuttack on the 12th evening. Rabindra Nath Ghosh actually started from Cuttack on the 13th April in the evening but before he had received a reply to his D.O. letter addressed to Shri Choudhury. He arrived at Calcutta on 14th April in the morning, and as that day was a holiday he reported at the Calcutta office on the 15th April, 1965. On the 15th April 1965 he was handed over the reply from Shri A. Choudhury to his D.O. letter. The Area Manager having learnt that Rabindra Nath Ghosh had left Cuttack without taking leave from the Branch Manager, Cuttack, asked him to go back to the Cuttack office in his own interest, and a letter dated 19th April 1965 to that effect was sent by the Area Manager to Rabindra Nath Ghosh by registered post. But on 19th April 1965 Rabindra Nath Ghosh sent a letter asking for 15 days' leave on medical grounds with effect from 19th April 1965 stating that he was suffering from acute pain in the stomach. On 20th April 1965 the Area Manager Shri Choudhury sent a reply stating that he would have to obtain his order of leave from the Cuttack office to which he was attached and that his application for leave was being forwarded to the Cuttack office. It was mentioned in the letter that no leave could be sanctioned in continuation of unauthorised absence, but it was also stated that it was left for the decision of the Cuttack office. Rabindra Nath Ghosh sent a reply to that letter by a letter dated 26th April 1965. On 28th April 1965 the Area Manager Shri Choudhury wrote another letter to Rabindra Nath Ghosh asking him to show cause within 7 days why his services should not be terminated for breach of discipline, namely leaving Cuttack without any permission and in disregard of the wishes of his superior officer, the Branch Manager, Cuttack. This was regarded as the chargesheet, and Rabindra Nath Ghosh sent a reply by his letter dated 3rd May 1965. By a letter dated 6th May 1965 Rabindra Nath Ghosh was informed that his explanation was not considered satisfactory and that enquiry would be held into the chargesheet on 22nd May 1965 at 1 P.M. by Shri K. C. Mitra, Advocate appointed for the purpose. The enquiry was opened on 22nd May 1965 by K. C. Mitra, Advocate, and after the Area Manager Shri A. Choudhury had produced the correspondence between himself and Rabindra Nath Ghosh as evidence, the hearing was adjourned at the request of Rabindra Nath Ghosh and resumed on 10th July 1965. On that day the Area Manager Shri A. Choudhury was cross examined by Rabindra Nath Ghosh. Another witness T. Banerjee, Branch Manager of Cuttack was produced on behalf of the management and he proved two of his letters and he was cross examined by Rabindra Nath Ghosh. Rabindra Nath Ghosh then submitted his defence in writing but did not produce any witness on his behalf. The enquiry officer submitted his report on 17th August 1965 finding that the charge of breach of discipline had been proved and recommending dismissal. The recommendation was accepted by the Area Manager who by a letter dated 18th August 1965 dismissed Rabindra Nath Ghosh with effect from the same date, stating that the period of his absence from duty would be regarded as leave without pay.

3 Rabindra Nath Ghosh reported the matter to his union, the General Insurance Employees' Association which raised a dispute before the Conciliation

Officer, namely the Assistant Labour Commissioner, Central, Calcutta, but there was no amicable settlement and therefore the matter has now come before the tribunal for adjudication.

4. The case of the workmen as set out in the written statement filed by the union on his behalf is that Rabindra Nath Ghosh was deputed temporarily to the Cuttack office for the specific purpose of training the staff in under-writing work in connection with fire insurance and it was understood that he might return to Calcutta on the completion of that job; and Rabindra Nath Ghosh completed the job and then returned to Calcutta after writing a D.O. letter to the Area Manager at Calcutta and with the consent of the Branch Manager of Cuttack with whom he had a discussion before leaving Cuttack. According to the case of the union, therefore, Rabindra Nath Ghosh did not commit any breach of discipline. The enquiry held by Shri K. C. Mitra, Advocate, was challenged on the ground that certain documents which he had asked for were not produced, and he was not given copies of the documents filed on behalf of the management, particularly of the two letters from the Branch Manager to the Area Manager of which he was not aware before they were produced at the enquiry.

5. The case of the management is that Rabindra Nath Ghosh had proceeded to Cuttack under a transfer order, and although there might be an understanding that he would be brought back soon, he was not entitled to leave Cuttack without obtaining an order of transfer or at least without taking leave from the Branch Manager at Cuttack under whom he had been placed, and therefore Rabindra Nath Ghosh had committed a breach of discipline by leaving Cuttack after merely writing a D.O. letter to the Area Manager, Calcutta and without waiting for the reply and without obtaining leave from the Branch Manager. As regards the enquiry, the management's case is that it was held fairly by an advocate appointed for the purpose who was unconnected with the company and was an independent person.

6. All the correspondence which passed between Rabindra Nath Ghosh and the Area Manager, Shri Choudhury, the two letters written by the Branch Manager, Cuttack to the Area Manager, Calcutta, and proceedings of the enquiry have all been admitted or proved before the tribunal. Shri R. N. Bandopadhyaya who appeared on behalf of the union has urged that the enquiry was bad because the documents called for by Rabindra Nath Ghosh was not produced and that Rabindra Nath Ghosh had no previous notice of the two letters produced by the Branch Manager and had not sufficient opportunity to cross examine the Branch Manager with reference to the contents thereof. It has also been pointed out by Shri R. N. Bandopadhyaya that the two witnesses for the management, Sri Choudhury and Sri Banerjee did give any substantive evidence in examination in chief, but merely proved the correspondence. It has therefore been urged that there is no substantive evidence from which it can be held that a breach of discipline was committed by Rabindra Nath Ghosh.

7. As regards the documents called for and not produced by the management it appears that Rabindra Nath Ghosh asked for the inward letter register at Calcutta to show that when he left Cuttack on 13th April 1965, he brought letters for the day from the Cuttack office to Calcutta and on 15th April 1965 he handed over the letters to the receiving clerk and they were entered in the inward letter register, Calcutta. This was to show that he came with the knowledge and consent of the authorities of Cuttack. Now, there is no doubt that he came from the Cuttack office with the knowledge of the Branch Manager. The Branch Manager's letter dated 15th April 1965, Ext. E, shows that the D.O. letter of 9th April to the Area Manager had been written by Rabindra Nath Ghosh without the knowledge of the Branch Manager and the Branch Manager found a copy of the D.O. letter in the file and asked him why he had written the letter without his knowledge and consent and that Rabindra Nath Ghosh maintained that it was a private letter, and that on 12th April 1965, the Branch Manager had discussion with Rabindra Nath Ghosh on the subject and found that no amount of persuasion to wait at Cuttack, i.e., apparently for definite order, availed to change Rabindra Nath Ghosh's plan of coming away from Cuttack. As he was coming from Cuttack in any case the letters of the day might have been entrusted to him for carrying, but this would not show that he had obtained the consent of or leave from the Branch Manager at Cuttack. The production of the inward letter register could not, therefore, really help the case of the workman and I cannot agree that he was prejudiced by its non-production. As regards the two letters of the Branch Manager, Ext. E and Ext. Q, it may be that Rabindra Nath Ghosh did not know the contents thereof from before, but certainly he had the opportunity

to see them when they were produced. Reference has already been made to the first letter. The other letter Ext. Q merely stated that Rabindra Nath Ghosh did not apply for permission to leave Cuttack nor had taken any leave before leaving Cuttack. It should not require any notice to cross examine the Branch Manager, T. Banerjee on the contents of these letters because the position was already known to R N Ghosh; it had been mentioned in the chargesheet, Ext. J, that he left Cuttack without obtaining permission from his immediate superior, Branch Manager and in spite of his persuasion.

8. There is more substance in the other objection that no substantive evidence was given by the two witnesses for the management to show that Rabindra Nath Ghosh had committed any breach of discipline. The only reply given by Sri N. R. Roy appearing on behalf of the management is that the rules of taking evidence as contained in the Evidence Act are not strictly followed in domestic inquiries, and the case was decided on the correspondence between the parties which might be considered more reliable than any oral evidence at the enquiry. I agree that at domestic enquiries, rules of evidence are not strictly followed and this defect might be condoned. But the conduct of the Area Manager also in connection with Rabindra Nath Ghosh does not appear to me to have been correct. When Shri Choudhury received the D.O. letter of 9th April, Ext. C, from Cuttack, he had the reply, Ext. D, typed out on the 12th April, 1965 wherein it is stated *inter alia* "presumably you have got the leave from the Branch Manager". But he must have known that if the letter were posted on the 12th April, it was not likely to reach Rabindra Nath Ghosh before he left Cuttack, because Rabindra Nath Ghosh had announced his intention of leaving Cuttack on the 12th April. The evidence of Shri Choudhury before the tribunal is that when he saw Rabindra Nath Ghosh at the Calcutta Office on 15th April, he asked him why he had come away from Cuttack office without waiting for the reply of his D.O. letter of 9th April; he also stated that his reply dated 12th April was handed over to Rabindra Nath at the Calcutta office on the same day. But if Shri Choudhury's reply had not been sent before, here was no point in handing over the letter, Ext. D, to him at the Calcutta office. The Area Manager should have obtained the information from Rabindra Nath Ghosh whether he had come after taking due leave from the Branch Manager, and having found out that he had not, Sri Choudhury should have immediately issued an order directing Shri Ghosh to return at once to Cuttack. Though Shri Choudhury says that on 15th April and also on 17th April, when he again met Shri Ghosh, he asked him to return to Cuttack and rejoin his duty there, no written order to that effect dated 15th April or 17th April is forthcoming, and it is only in the letter dated 19th April, Ext. F, which was sent by registered post that the Area Manager definitely asked Rabindra Nath Ghosh to rejoin his duties at Cuttack immediately in his own interest as he had left Cuttack without the approval of the Branch Manager and without taking leave. There is no doubt that Rabindra Nath Ghosh had committed a breach of discipline in having left Cuttack without taking leave from the Branch Manager and without getting any order from his Area office at Calcutta. But on 19th April it appears that the Area Manager was willing to condone the breach of discipline if Rabindra Nath Ghosh returned to Cuttack immediately. In the meantime Rabindra Nath Ghosh had already sent an application for leave on medical grounds stating that he had got pain in his stomach and asking for 15 days leave. The plea of illness at the stage might or might not be genuine, but no investigation was made on this point. If Rabindra Nath Ghosh was genuinely ill from 19th April he would naturally not be in a position to proceed to Cuttack forthwith and in Rabindra Nath Ghosh's letter, Ext. I, written by him on 26th April 1965 he stated that he was ready to go to Cuttack on recovery from his illness, although he stated that it would be waste of his experience to remain idle at Cuttack. It appears to me that after that letter Rabindra Nath Ghosh should have been given an opportunity to rejoin at Cuttack after the 15 days had expired. But without waiting for that a chargesheet was drawn up and sent by way of the letter, Ext. J, on 28th April 1965. This does not appear to have been quite fair.

9. As regards the contention of the union that Shri Rabindra Nath Ghosh had been deputed to Cuttack for a definite purpose, viz., that of training new staff there in the work of under-writing in connection with fire insurance policy, it appears that in the letter, Ext. D, written by Shri Choudhury on 12th April there is the use of the term 'deputed', the relevant sentence reading "I understand from your letter that there is little or no work for you to do at Cuttack possibly because other persons are there to take up the job for which you were deputed". The Area Manager Shri Choudhury has explained in his deposition before the tribunal that though he used the term in that letter, Ext. D, he used the term in the sense that he was posted temporarily at Cuttack, and that the term deputation has no

special meaning in the company's work. Shri N. R. Roy for the management has pointed out that Ext. B, the order dated 15th March, 1965 by which Shri Rabindra Nath Ghosh was sent to the Cuttack Office, said that Rabindra Nath Ghosh was being temporarily transferred to the Cuttack office; there is no mention of the term 'deputation' in that order. But even in that order the first words are "as per the discussions I had with you", these words together with the reference to "the job for which he was deputed" in the letter, Ext. D, dated 12th April 1965 lends support to the case of Rabindra Nath Ghosh that he was temporarily transferred for a definite purpose and it was understood that he would be brought back as soon as that purpose had been achieved. But since the order on him was that of a temporary transfer and not an order for going to the Cuttack office on tour for doing the particular work, Rabindra Nath was not entitled to come back on his own without an order from the Head office or without taking leave from the Branch Manager at Cuttack. It appears that after the discussions which he had had with the Area Manager before going to Cuttack, he was under the impression that he was not directly under the Branch Manager at Cuttack. Rabindra Nath Ghosh said so in his evidence before the tribunal and the letters of the Branch Manager, Ex. E and Ex. Q, go to show that Rabindra Nath Ghosh's attitude was that he did not consider himself under the Branch Manager, T. Banerjee of the Cuttack branch office. The Area Manager should have given a clear order posting him at the Cuttack office under the Branch Manager, and again on the 15th or 17th April he should have given a clear order directing Rabindra Nath Ghosh to proceed back to Cuttack immediately. Though there can be no doubt that Rabindra Nath Ghosh committed a breach of discipline by coming away from Cuttack without receiving an order from the Calcutta office or without obtaining leave from the Branch Manager, Cuttack, this was to some extent due to the misunderstanding under which he was labouring, and in the circumstances though he deserves some punishment, he does not deserve the punishment of dismissal. He had been dismissed on a previous occasion for supposed breach of discipline and reinstated at the intervention of the Conciliation Officer, but on that occasion it appears that as many as 17 out of 30 employees working at the Calcutta office were suspended at a time leading to the inference that there was something like a partial strike. In the circumstances, the previous history is not sufficient reason for maintaining the order of dismissal, although Rabindra Nath Ghosh must be warned that the management would be deemed to be justified in dismissing him if on a future occasion Rabindra Nath Ghosh again commits a breach of discipline. If he happens to have difference with any one as to the extent of his power, he should refer to the authorities for instruction rather than act on his own.

10. Accordingly, I find that the management of the Union Cooperative Insurance Society Limited, Calcutta was not justified in dismissing Shri Rabindra Nath Ghosh from service with effect from the 18th August 1965 and I direct that he be reinstated within one month from the date of publication of this award. In view of the fact that he did commit a breach of discipline in leaving Cuttack without prior orders, I direct that the period between 18th August 1965 and the date of his rejoining will be treated as leave without pay.

Dated 7th April, 1967.

Presiding Officer.
[No. 70/2/66/LRIV.]

S.O. 1498.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Chandigarh in respect of an industrial dispute between the employers in relation to the Union Co-operative Insurance Society Ltd., Delhi and their workmen which was received by the Central Government on the 12th April 1967.

**BEFORE SHRI ISHWAR DAS PAWAR, PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL, GOVERNMENT OF INDIA,
MINISTRY OF LABOUR & EMPLOYMENT, CHANDIGARH**

REFERENCE No. 7/C of 1966.

In the matter of industrial dispute

BETWEEN:

The Workmen and the management of the Union Co-Operative Insurance Society Ltd., Delhi.

PRESENT:

Shri Madan Mohan—for the workmen.

Shri C. M. Oberoy—for the management.

AWARD

An industrial dispute having come into existence between the employers in relation to the Union Co-Operative Insurance Society Ltd., Delhi, and their workmen, the following matters were referred to this Tribunal by the Central Government in exercise of the powers conferred by Section 7-A and clause (d) of Sub-Section (1) of Section 10 of the Industrial Disputes Act, vide Government of India Gazette Notification of 8th of November, 1966, for adjudication:—

1. Whether the management of the Union Co-Operative Insurance Society Ltd., Delhi, was justified in terminating the services of Shri K. C. Gupta from 24th November, 1965?
2. If not, to what relief is he entitled?

In response to the notices issued to the parties they put in appearance through their representatives and filed statements of their respective cases.

As would appear from the statement of claim Shri Krishan Chandar Gupta, was employed by the management of the respondent Society on a monthly salary of Rs. 125/- (consolidated) on 10th (12th?) June, 1964. The management issued a letter on 3rd August, 1965, stating that Shri Gupta had completed the age of 20 years, and that his period of probation was extended for another 6 months with effect from 22nd June, 1965. The services of Shri Gupta were, however, terminated with effect from 24th December, 1965, on the ground that his services were not required by the management. The order of the management terminating the services has been attacked on the grounds that the services of Shri Gupta could not be terminated before the expiry of the period of probation as extended, that it was a case of retrenchment and no retrenchment compensation permissible under the Industrial Disputes Act was paid to him, that he had been placed in a regular scale of pay with effect from 1st January, 1965, as his work has throughout been satisfactory and that his services were terminated on account of his Union activities. It was added that the action of the management amounted to unfair labour practice. It has, therefore, been prayed that the impugned order be quashed and the workman reinstated with full back wages and continuity of service.

In their written statement the management has raised a preliminary point that the reference is not maintainable and this Tribunal has no jurisdiction to try it in view of the provisions of Section 54 of the Bombay Co-Operative Societies Act.

On merits it has been pleaded that the services of Shri Gupta were terminated on the expiry of the period of probation and in terms of his employment by giving him one month's notice, that it was not a case of retrenchment and that there was no unfair labour practice in as much as the termination of his services had no relation to any union activities of the workman. It has, therefore, been claimed that the impugned order is perfectly valid and legal, and, therefore, the workman was not entitled to the relief prayed for.

On the above pleadings the following Issues were framed:—

1. Whether this reference is not competent in view of the provisions of Section 54 of the Bombay Co-Operative Societies Act?
2. Whether the management of the Union Co-Operative Insurance Society Ltd., Delhi, was justified in terminating the services of Shri K. C. Gupta from the 24th November, 1965?
3. If not, to what relief is he entitled?

The parties have led their evidence in support of their respective claims and arguments have also been heard. My findings on the Issues are as under:

Issue No. 1.

We have an authority of the Bombay High Court reported as 1966 I LL J 90, which deals directly with the point in Issue. The following observations in this authority make the point clear beyond any doubt:

"The position, therefore, is that the disputes referred to the Registrar under Sub-Section (1) of S. 91 must be such as a civil Court can take

cognizance of and try. Like a civil court, the Registrar cannot grant any relief outside the contract of employment. He cannot, therefore, try any matter in which a demand is made for a change in the conditions of service or for reinstatement of an employee whose services had been terminated. By and large, the Co-operative Societies Act and the Industrial Disputes Act provide for the settlement of different classes of disputes. Even though, therefore, the words "any dispute" in Sub-Section (1) of S. 91 are very wide, they will have to be given a limited meaning. These words mean any dispute which the Registrar is competent to try and decide. Hence the disputes between Co-Operative Society and its employees in regard to the demands of the latter for change in their conditions of service or for reinstatement of a dismissed or discharged employee would be outside the scope of the jurisdiction of the Registrar under S. 91 (1) of the Maharashtra Co-Operative Societies Act, 1960, and they are to be entertained and decided by the appropriate authority constituted under the Central Provinces and Berar Industrial Disputes Settlement Act, 1947, or the Industrial Disputes Act, 1947."

In view of this clear authority I hold that Section 54 of the Bombay Co-Operative Societies Act is no bar to this reference. This issue is accordingly decided against the management

Issue No. 2.

Shri Krishan Chandar Gupta was appointed as Office Assistant at the Delhi Area Office of the respondent Society with effect from 12th June 1965 vide appointment letter Ext. A. 1. It was made clear in this letter that the appointment was purely temporary and terminable by the Society without any notice and without assigning any reasons. As at the time of the appointment Shri Gupta was below the age of 20 years it was added in the letter that the question of confirmation of his services would only be considered after he had attained the age of 20 years. It may be noted that according to the rules of the Society no person could be appointed before he attained the age of 20 years. By letter Ext. A. 2 dated 3rd August 1965 the management extended the probationary period for another six months with effect from 22nd June 1965, the date on which the employee completed the age of 20 years. In this letter also it was reiterated that the services could be terminated without notice and without assigning any reasons during the period of probation. By another letter dated 24th of November, 1965, Ext. A. 3, the management informed the employee that his services were not required with effect from the 24th of December, 1965 and that this might be treated as one month's notice. Accordingly his services were terminated with effect from the said date.

In the letter of appointment it was not mentioned that Shri Gupta was being appointed on probation but this was not done probably for the reason that the employee had not attained the age of 20 years. The period of probation was extended by the letter of the 3rd August, 1965, retrospectively with effect from 22nd June, 1965. This date was mentioned because it was on this day that the employee completed the age of 20 years. This period of extended probation expired on 24th of December, 1965, and in the letter of the 24th of November 1965 one month's notice was given. Under the terms of the appointment the management was competent to terminate the services of the employee without notice and without assigning any reasons if his work was found to be unsatisfactory. A month's notice was, however, given before he was relieved. This was quite in order. The contention, that by the letter of 3rd of August, 1965, the period could not be extended retrospectively with effect from 22nd June, 1965, is not tenable because in any case the period was extended upto the 21st of December, 1965.

The contention advanced on behalf of the workmen that it was a case of retrenchment is equally without any merit. This argument is based on the words of the letter Ext. A. 3 that the services of the employee were not required. As already observed the management was not obliged to give any reasons while terminating the services of the employee if his work was not found satisfactory. These words even as they stand do not show that it was a case of retrenchment. Why it was not mentioned in the letter that the termination of services was due to unsatisfactory work of the employee will be found in the statement of Shri A. D. Desai Claims Incharge of the respondent Society. According to him Shri Gupta requested the Area Manager not to mention the reasons for the termination of his services in the letter because in that case he would find it difficult to seek

a job elsewhere. This was, however, denied by Shri Gupta. It appears to me to be clear that it is not a case of retrenchment for which compensation can be claimed.

Lastly it was contended that the workman was victimised for his Union activities. This was, however, denied by Shri A. D. Desai and Shri Salug Ram R.W. 1, Policy Superintendent of the respondent. On this point the statement of the workman himself is more than clear. He stated that he became a member of the Union in August 1965, and that Shri Desai never said to him anything about the Union. It is further in his statement that he never informed the Manager that he had become a member of the Union. In these circumstances the allegation that he was victimised on account of his Union activities is without any substance.

For the reasons given above I have come to the conclusion that there was nothing wrong in the termination of the services of Shri K. C. Gupta. He is, therefore, not entitled to any relief.

In the result the claim of the workman fails and is hereby dismissed. There shall, however, be no order as to costs.

(Sd.) Illegible.

Presiding Officer,

Industrial Tribunal, Chandigarh.

[No. 70/8/66/LRIV.]

Dated 7th April, 1967.

S.O. 1499.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Chandigarh in respect of an industrial dispute between the employers in relation to the State Bank of Patiala and their workmen which was received by the Central Government on the 12th April, 1967.

BEFORE SHRI ISHWAR DAS PAWAR, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, MINISTRY OF LABOUR, GOVERNMENT OF INDIA, CHANDIGARH.

REFERENCE No. 3/C OF 1966.

In the matter of industrial dispute

BETWEEN:

The employers in relation to the State Bank of Patiala and their Workmen regarding the justification of the termination of services of Devinder Paul Verma.

PRESENT:

Shri Tek Chand Sharma.—for the Workmen.

Shri J. N. Kaushal.—for the Management.

AWARD

An industrial dispute having arisen between the employers in relation to the State Bank of Patiala and their workmen, the Central Government in exercise of the powers conferred by Sections 7-A and clause (d) of Sub-Section (1) of Section 10 of the Industrial Disputes Act, referred to the Industrial Tribunal, Chandigarh, the following items, vide Notification dated 2nd December, 1964, for adjudication:

1. Whether the management of the State Bank of Patiala was justified in terminating the services of Shri Devinder Paul Verma (clerk-cum-typist) with effect from the 3rd May, 1963?
2. If not, to what relief is the workman entitled?

In response to the notices issued to the parties they appeared before the Tribunal and filed statements of their respective cases.

The facts of the case which are common between the parties are like this. Sh. Devinder Paul Verma was appointed by the State Bank of Patiala as a clerk-cum-typist with effect from 18th August, 1962, on a probation for six months. As during this period his work was not considered to be satisfactory the period of probation was extended by three months with a view to trying him for some-time more. Before the expiry of the extended period the management of the Bank

received confidential reports that the work of Shri Devinder Paul Verma was not satisfactory. On the basis of these reports the Head office of the Bank passed orders on 30th April, 1962, terminating his services. A copy of the order is Ext. R. 5. In pursuance of this order he was relieved on 3rd May, 1963. Shri Verma raised a dispute about his discharge through the State Bank of Patiala Employees Union, Nikodar, where he was employed with the Bank.

In the statement of claim the order of the management was challenged on the grounds that the services of the workman could not be terminated before the expiry of the period of probation, that his work during the entire period had been satisfactory, that he had been victimised for his not agreeing to give evidence against Shri Tek Chand Cashier of the Nikodar office of the respondent Bank (who was also General Secretary of the State Bank of Patiala Employees Union), and that the respondent Bank had violated the provisions of Para 18.20 of the Desai Award by not following the procedure laid down therein.

In the written statement these allegations were denied by the management and it was pleaded that the services of the workman were terminated simpliciter as his work was not found to be satisfactory; that the Desai award was not applicable as no disciplinary action was taken against the workman, and that there was no question of any victimisation at all.

On the above pleadings of the parties the Issues were framed, which are precisely the same as the two items of dispute.

After recording evidence of the parties and hearing their representatives the Industrial Tribunal, Shri K. L. Gosain, made an award on 27th February, 1965. Under the award the management was directed to reinstate Shri Devinder Paul Verma on his old job with continuity of and without any change in the conditions of his service. As Shri Verma had been employed as a temporary hand in the Rehabilitation department since 8th December, 1964, the Tribunal directed the management to pay to him only half of the wages for the period between 3rd May, 1964, and 8th December, 1964. It was further ordered that if any period lapsed between the date when he reported for duty and the date when he was actually put on duty the Bank would be liable to pay him his full wages for the said period.

Against the award the management filed a Writ Petition under Articles 226 and 227 of the Constitution of India in the High Court. The Writ petition was rejected by a single Judge but a Letters Patent Appeal against the order of the single Judge was accepted and the Award of the Tribunal quashed and the case remanded to the Tribunal with the direction that the dispute would be reheard by it having regard to Paragraph 522(i) of the Sastri Award and then it would decide whether or not the termination of the services of the workman concerned was justified and according to Law.

As in the mean-time the services of Shri K. L. Gosain had ceased to be available, the Government of India in exercise of the powers conferred by Section 7-A and clause (d) of Sub-Section (1) of Section 10 of the Industrial Disputes Act referred the dispute to me for rehearing and disposal in accordance with Law, *vide* Notification of 16th December, 1966.

Issues No. 1 and 2.

Both the Issues will be discussed together as the second one follows the decision on Issue No. 1 and relates only to the relief available to the workman in case the termination of his services are found to be not justified. As stated above Shri Devinder Paul Verma joined the service of the Bank as a clerk-cum-typist on 18th August, 1962, on a probation for six months. Ext. R. 1 is a copy of the confidential report dated 24th January, 1963, regarding the work of Shri Devinder Paul Verma. He was reported to be average in 'intelligence' and 'poor' in the matter of interest he took in his work. It was recommended that he might be given trial for some-time more as he had not become conversant with the routine of the duties on which he had been trained. Ext. R. 7 is a confidential report made on 21st February, 1963. It was reported that he was showing him optitude towards hard work and that in case he continued to do so he could show the desired improvement within 2 or 3 months. The period of probation which was to expire on 18th February, 1963, was, therefore, extended by 3 months in order to afford him an opportunity to come up to the required standard of work. Ext. R. 8 is a confidential report made on 25th March, 1963. It was reported that he was taking keen interest in the work and that he was intelligent. On other points the employee was reported to be good. The last report was made on 20th April, 1963, and it is Ext. R. 9. There is some dispute about this report. It was

reported that the employee took proper interest in the work but that at times he acted irresponsibly. The recommendation made at the end of the report is a subject matter of dispute between the parties. According to the workman he was recommended to be fit for confirmation in the Bank's service while according to the management the recommendation was that he was not yet fit for confirmation. The words 'not yet' have been scored out in the report and according to the statement of Shri C. R. Mehta R.W. 2, who was Manager of the Nikodar Branch of the Bank and who made this report this scoring of the two words was done by this employee as he was also working in the despatch branch. This was, however, denied by Shri Devinder Paul Verma in his statement as his own witness. In any case it is a disputed matter but the fact remains that he was reported to be acting irresponsibly at times. The office copy of this report is R. 10 as stated by Shri Mehta. It shows that the recommendation was that the employee was not yet fit for confirmation. Shri Mehta has also stated about the lapses on the part of the employee in the work he did. This statement finds corroboration in the letter Ext. R 4 he wrote to the General Manager of the Bank. In view of these reports his services were terminated with effect from 3rd May, 1963. A copy of the office order on the Point is Ext. R 5. The order stated that the services of Shri Devinder Paul Verma were terminated from the date he was relieved of his duties as he had not shown any aptitude to learn the Bank work which was not upto the work inspite of the probationary period having been extended. It was orders that he should be paid one month's pay in lieu of notice period as required under Section 22(1) of the Punjab Shops and Commercial Establishments Act 1958. Ext. R. 11 is a copy of the letter sent to Shri Verma terminating his services, from the afternoon of 3rd May, 1963, in terms of the office order referred to above. A payment order for Rs. 129-37 on account of 3 days' salary from 1st to 3rd May 1963 plus one month's pay in lieu of notice was given to him.

In regard to the termination of the services of the employee we have to examine the point whether in the matter of his discharge the employee was victimised by the management for not agreeing to depose in the case of Shri Tek Chand Cashier against whom an enquiry was being held for embezzlement. This was the only allegation made in the statement of claim on the point of victimisation. The point has, however been made clear by the employee himself in his statement as his own witness. He stated in his examination-in-chief that he was approached by the Law Officer of the Bank to dissuade him from appearing as a witness in the enquiry against Shri Tek Chand with a promise to help him in his reinstatement. He also stated that he gave evidence in the case after his services had been terminated. Thus it is clear that all this happened after he had been discharged from service, and, therefore, this could have no relation to the order itself. The question of victimisation of the workman on this score hardly arises. The impugned order is not attacked on any other ground except on the ground that the services could not be terminated before the expiry of the period of probation. It is thus clear that it is a case of termination of services simpliciter.

We have to see whether the action of the Bank is in accordance with the provisions of Paragraph 522(i) of the Sastri Award. This matter has been dealt with in the Supreme Court Case reported as 1960 II LL J 222. The following observations of their Lordships are significant in this regard.

"There is no doubt that an employer cannot dispense with the services of a permanent employee by mere notice and claim that the Industrial Tribunal has no jurisdiction to enquire into the circumstances in which such termination of service simpliciter took place. Many standing orders have provisions similar to Para 522(1) of the Bank award, and the scope of the power of the employer to act under such provisions has come up for consideration before the Labour Tribunals many a time. In Buckingham and Carnatic Co., Ltd., etc., *versus* Workers of the Co., etc., (1951 II LLJ 314) the Labour Appellate Tribunal had occasion to consider this matter relating to discharge by notice or in lieu thereof by payment of wages for a certain period without assigning any reason. It was of opinion that even in a case of this kind the requirement of *bona fides* is essential and if the termination of service is a colourable exercise of the power or as a result of victimisation or unfair labour practice the Industrial Tribunal would have the jurisdiction to intervene and set aside such termination. Further it held that where the termination of service is capricious, arbitrary or unnecessarily harsh on the part of the employer judged by normal standards of a reasonable man, that may be cogent evidence of victimisation or unfair labour practice. We are of opinion that this correctly lays down the scope of the power of the Tribunal to interfere where service is terminated simpliciter under the provisions of a contract or of Standing orders or of some award like the Bank Award."

It is, therefore, clear that if it is a case of discharge simpliciter the management can take action under Paragraph 522(i) of the Bank Award. In this case there is nothing to show that the discharge of the workman was in any way colourable exercise of power by the employer. Therefore, the respondent Bank was competent to take action under the said provision of the Bank Award, which provides *inter-alia* that in cases not involving disciplinary action for his conduct and subject to clause (6) of the Paragraph the services of a probationer may be terminated by one month's notice or on payment of a month's pay and allowances, in lieu of notice.

We have, however, to see whether the Bank was also competent to terminate his services before the expiry of the period of probation as extended by three months. On this point reliance is placed by the workmen on the Supreme Court authority reported as 1964 I LL J 9. It lays down.

"There can, in our opinion, be no doubt about the position in law that an employee appointed on probation for six months continues as a probationer even after the period of six months if at the end of the period his services had either not been terminated or he is confirmed. It appears clear to us that without anything more an appointment on probation for six months does not give an employer no right to terminate the services of an employee before six months had expired except on the ground of misconduct or other sufficient reasons in which case even the services of a permanent employee could be terminated."

This authority is, however, distinguishable inasmuch as it was not covered by the Sastry award which has a specific provision on how the services of permanent employees and probationers can be terminated on 3 months' or one month's notice as the case may be or payment of wages in lieu of the notice. In view of this provision the management could terminate the services of a probationer provided it is a case of termination of service simpliciter. I would, therefore, hold that the services of the employee were terminated in accordance with the provisions of Paragraph 522(i) of the Sastry Award.

In the result the reference fails and is dismissed. But having regard to the circumstances of the case I leave the parties to bear their own costs.

The 6th April, 1967.

Sd./- Illegible,
Presiding Officer,
Industrial Tribunal, Chandigarh.
[No. 55/42/66/LRIV.]

ORDERS

New Delhi, the 15th April 1967

S.O. 1500.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the State Bank of India and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri J. K. Tandon shall be the Presiding Officer, with headquarters at Lucknow and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

Whether the action of the management of the State Bank of India, Sitapur Branch in not absorbing Shri K. B. Mahendra, Money Tester in the bank's permanent service and terminating his services with effect from the 4th March, 1965 was justified? If not, to what relief is the workman entitled?

[No. 51(63)/66-LR. IV.]

New Delhi, the 17th April 1967

S.O. 1501.—Whereas the employers in relation to Messrs Voltas Limited, Bombay and their workmen represented by the All India Voltas and Volkart Employees' Federation, Bombay have jointly applied to the Central Government for reference of an industrial dispute that exists between them in respect of the matter set forth in the application and reproduced in the Schedule hereto annexed;

And whereas the Central Government is of opinion that the said dispute is of such a nature that industrial establishments situated in more than one State are likely to be interested in, or affected by, such dispute and that the dispute should be adjudicated by a National Tribunal;

And whereas the Central Government is satisfied that the All India Voltas and Volkart Employees' Federation represents a majority of the workmen;

Now, therefore, in exercise of the powers conferred by sub-sections (2) and 1(A) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the National Industrial Tribunal, Bombay constituted under section 7-B of the said Act.

SCHEDULE

- (A) Whether the quantum of Bonus paid to the Employees is what they are entitled to under the Payment of Bonus Act, 1965? If not, what should be the quantum?
- (B) Whether the Salesmen employed by the Company are entitled to Bonus for the year 1965-66 under the Payment of Bonus Act, 1965?
- (C) Whether, notwithstanding the provisions of the Payment of Bonus Act, the employees are entitled to get the minimum floor of bonus as hitherto and the Apprentices/Erector Trainees/Temporary Staff to Bonus as per past practice.

[No. 17/6/66-LR.IV.]

New Delhi, the 24th April 1967

S.O. 1502.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Bhilai Steel Plant and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal-cum-Labour Court, Jabalpur constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Rajhara Mines of Bhilai Steel Plant was justified in not appointing Shri H. Ghose, to the post of Claims Inspector in a regular capacity? If not, to what relief is he entitled?

[No. 37/37/65-LRI.]

A. L. HANDA, Under Secy.

(Deptt. of Labour & Employment)

New Delhi, the 17th April 1967

S.O. 1503.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, No. 2, Calcutta, in the industrial dispute between the employers in relation to the Chinakuri No. 3 Pit Colliery of Messrs Bengal Coal Company Limited, Post Office Disergarh, Burdwan and their workmen which was received by the Central Government on the 12th April, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 2, CALCUTTA

REFERENCE No. 68 OF 1966

PARTIES:

Employers in relation to the Chinakuri No. 3 Pit Colliery.

AND

Their workmen.

PRESENT:

Shri S. K. Sen—*Presiding Officer.*

APPEARANCES:

*On behalf of Employers—*Shri D. Narsingh, Advocate.

*On behalf of Workmen—*Shri N. R. Roy, Advocate.

STATE: West Bengal.

INDUSTRY: Coal Mines

AWARD

By Order No. 6/95/65-LR.II, dated 4th November 1965, the Central Government referred for adjudication an industrial dispute between the employers in relation to the Chinakuri No. 3 Pit Colliery of M/s. Bengal Coal Co. Ltd. P.O. Disergarh, Burdwan and their workmen in respect of the subject matter mentioned in the following schedule:

“Whether the dismissal by the management of Chinakuri No. 3 Pit Colliery for their workman Shri Ramchandra, CRO Loader with effect from the 24th May, 1965 was an act of victimisation? If so, to what relief is the workman entitled?”

2. Workman Ramchandra was working as a loader in Chinakuri No. 3 Pit colliery and had put in about 3 years service according to the case of the management, on 1st May, 1965 about 1 A.M. when going homeward after taking a bath at the end of the second shift duty at midnight, he had quarreled with and assaulted Shiv Shankar Singh, Supervisor of the camp where Ramachandra was staying. Accordingly proceedings were drawn up against Ramachandra and after enquiry he was dismissed with effect from 24th May 1965. According to the case of the union however it was the Supervisor Shib Shankar Singh who had assaulted Ramachandra.

3. Both parties filed their written statement before the tribunal and the reference case was fixed for hearing on 6th April 1967. On that day the parties appeared and stated that the matter had been settled out of court and filed a joint petition of compromise. By the terms thereof, the management has undertaken to make an ex-gratia payment of Rs. 250/- to the workman Ramachandra. The payment to be made within 15 days from the date on which the memorandum of settlement is filed before the tribunal, i.e. within 15 days from 6th April 1967 and the workman in his turn together with his union gives up the claim of reinstatement. The terms must be considered satisfactory and are, therefore, accepted. An award is made in terms of petition of compromise which shall form part of the award.

Sd/- S. K. SEN,
Presiding Officer.

Dated, 7th April 1967.

**BEFORE THE HON'BLE PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, CALCUTTA.**

REFERENCE No. 68 OF 1966

BETWEEN

Employers in relation to Chinakuri 3 Pit Colliery of M/s. Bengal Coal Co., Ltd.

AND

Their workman represented by Colliery Mazdoor Union, Asansol.

Joint Petition of Compromise

The parties aforesaid most respectfully beg to submit as under:—

1 The issue referred to this Hon'ble Tribunal for adjudication reads as follows:—

SCHEDULE

Whether the dismissal by the management of Chinakuri No. 3 Pit Colliery of their workman Sri Ramachandra, C.R.O. Leader with effect from the 24th May, 1965 was an act of victimisation? If so, to what relief is the workman entitled?

2. This Hon'ble Tribunal has called upon the parties to submit their written statements which they have done.

3. Both the parties to this reference however, have reached an amicable settlement by mutual negotiations on the following terms:—

(a) The management shall make to Sri Ramachandra, the workman herein concerned, an *ex gratia* payment of Rs. 250/- in full and final settlement of all his claims against the management.

(b) The workman concerned and the union on his behalf have agreed to accept the aforesaid *ex gratia* payment in full and final settlement of all the claims of the workman against the management. The said payment shall be made within 15 days from the date on which this memorandum of Settlement shall be filed before this Hon'ble Tribunal.

(c) The workman of his union acting on his behalf has no other claim against the management arising out of the present reference.

4. It is, therefore, most respectfully prayed that this Hon'ble Tribunal may be graciously pleased to give its award in the aforesaid terms thereof.

And for this, the parties shall, as in duty bound, ever pray.

(Sd.) Illegible

6-4-67.

Organising Secretary,
Colliery Mazdoor Union,
Asansol.

(Sd.) Illegible

Advocate.

6-4-67.

Dated, the 4th April, 1967.

For the Employers

Bengal Coal Co. Ltd.

by their Attorney.

(Sd.) Illegible,

Labour Relations Officer.

(Sd.) Illegible,

Advocate.

6-4-67.

[No. 6/95/65-LRIL.]

New Delhi, the 20th April 1967

S.O. 1504.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal No. 2, Calcutta, in the industrial dispute between the employers in relation to the Selected Searsole Colliery, Post Office Raniganj, District Burdwan and their workmen, which was received by the Central Government on the 12th April, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, CALCUTTA

REFERENCE NO. 22 OF 1966

PARTIES:

Employers in relation to the Selected Searsole Colliery,

AND

Their workmen

PRESENT:

Shri S. K. Sen—Presiding Officer.

APPEARANCES:

On behalf of employers Shri N. Das, Advocate.

On behalf of Workmen—Shri Parimal Das Gupta, Advocate.

STATE: West Bengal

INDUSTRY: Coal Mines

AWARD

By Order No. 6/84/64-LR11, dated 17th April, 1965, the Central Government referred for adjudication an industrial dispute between the employers in relation to the Selected Searsole Colliery, P.O. Raniganj, Dist. Burdwan and their workmen in respect of the subject matter mentioned in the following schedule:

"Whether the management of Selected Searsole Colliery was justified in stopping Shri Khokha Bouri from work with effect from the 23rd May, 1964, with a view to victimise him for his trade union activities? If not, to what relief is he entitled?"

2. Khokha Bouri was employed as a Winding Engine Khalasi at Selected Searsole Colliery from 1952. The year of appointment is shown in his application for withdrawal of the amount at his credit in his Provident Fund, Ext. B. In 1963, there was a stoppage of work at Selected Searsole Colliery. There was an agreement on 17th October, 1963, between the Colliery Mazdoor Sabha and the management in the presence of the Conciliation Officer, according to the terms of which the workmen who had been in employment before the stoppage of work at the colliery would be given employment as soon as possible with the progress of resumption of work in the colliery. Khokha Bouri was directed to rejoin his duty by a letter of the management, dated 14th November, 1963 (Ext. 2) wherein however it was stated that he was requested to report for duty forthwith temporarily to perform the preparatory work. Through his union Khokha Bouri sent a letter of protest, Ext. 3, dated 5th December, 1963, against his being recalled to work temporarily, but rejoined the work and performed his duties until 28th April, 1964. On 29th April, 1964, his duty was in the second shift beginning from 4 P.M. He came late for duty on that day and appeared to be drunk. He was taken before the Manager by a Chaprasi, Durga Pandey, The Manager spoke to him and found that he was drunk and had the diagnosis confirmed by calling the colliery doctor. The manager then ordered the chaprasi, Durga Pandey, and the Overman, Ramnath Tiwari that Khokha Bouri should not be permitted to join his duty on that day. A chargesheet drawn up on the same day, 29th April, 1964, the charges mentioned being that he came to duty in an intoxicated state on 29th April, 1964, in the second shift and that he behaved in an unruly manner with the manager when questioned. It is not clear from the evidence when the chargesheet was actually served on the workman, Khokha Bouri. Khokha Bouri sent a reply on 6th May, 1964, the reply being drafted by Sri Robin Chatterjee, Vice-President of the Union; it was stated in the reply, Ext. 7, that the charges were false and that the chargesheet had been served because the management wanted to victimise him for refusing to give up membership of the union, the Colliery Mazdoor Sabha. The management did not consider the reply satisfactory, and a notice was served on the workman informing him that the enquiry would be held on 22nd May, 1964, at 10 A.M. at the general office of the colliery. The workman sent a letter, Ext. 9, dated 12th May, 1964, requesting permission that Sunil K. Dutta might be allowed to help him at the enquiry. According to the case of the management this letter reached the management on 21st May, 1964, *vide* endorsement on the original letter, Ext. A, corresponding to the copy Ext. 9, and no reply was sent to that letter by the management, the date of enquiry being on the following day.

3. According to the case of the workman, he went to the colliery office on 22nd May, 1964, but no enquiry was held on that day, and after some days he received a letter, dated 23rd May, 1964, stating that as he did not appear at the colliery office and attend the enquiry, the enquiry had been held *ex-parte* and that he had been found guilty of the charges and dismissed. The workman sent a letter, Ext. 11, dated 30th May, 1964, protesting against the order of dismissal. Thereafter by a letter, dated 1st June, 1964, Ext. 1, his union reported the matter to the Conciliation Officer. There was attempt by the Conciliation Officer to settle the dispute amicably but the attempt failed.

4. According to the case of the management, the management was not concerned with the question whether or not the workman was a member of the union, Colliery Mazdoor Sabha, but the chargesheet was drawn up and served on him as he was actually found drunk when he came late for duty on 29th April, 1964; and that as on the date fixed, 22nd May 1964, Khokha Bouri did not appear, the enquiry was held *ex-parte* by Dipak Kumar Gupta, Assistant Manager of the colliery who examined as many as 6 witnesses; and on the basis of the enquiry officer's report and the approval of the agent, Shri H. L. Tandon, the order of dismissal was passed. According to the management, further, the workman took all his dues from the colliery office on 10th June, 1964, and before that

he submitted a letter of resignation, Ext. E(2). According to the management, therefore, the union had no justification whatsoever for carrying on the dispute alleging that the workman had been wrongfully dismissed or stopped from work.

5. Ext. C is the record of the enquiry proceedings and Ext. D the report of the Enquiry Officer, Dipak Kumar Gupta. These documents were proved by M.W. 1, Dipak Kumar Gupta, the Assistant Manager of the Selected Searsole Colliery. The record of enquiry shows the examination of as many as 6 witnesses, namely Durga Pandey, chhaprasi, L. N. Mallik, manager of the colliery, Jhingur Munia, banksman, Sepahi Yadav, surface trammer, J. N. Goswami, Medical Officer and R. N. Tiwari, Overman. The enquiry officer recorded the statement of the witness first and then put certain questions himself by way of cross examination in order to test the version given by the witness concerned. It was suggested to Dipak Kumar Gupta that he did not actually examine the witnesses on 22nd May, 1964, and that he prepared the records subsequently in order to please the management. He denied the suggestion and there is no circumstance appearing in the case to indicate that he might have done so. Khokha Bouri who deposed as witness No. 1 for his side no doubt stated that when he went to the office of the colliery on 22nd May, 1964, he did not at all see Gupta Babu, the Assistant Manager there; that he met the manager only and asked permission from him to bring Dutta Babu, i.e. Sunil Kumar Dutta, to represent him at the enquiry, but the manager did not give the permission, and that after waiting for sometime when no enquiry was held he returned home. But the evidence of Khokha Bouri on this point is uncorroborated by any other evidence. He said that he took one Arun Bouri with him when he went to the manager's office that day but Arun Bouri was not produced before the tribunal on his behalf. Moreover, in the written statement filed by the union on behalf of the workmen, it was not stated that on 22nd May, 1964, when the workman went to the colliery office he met the manager and that he asked the manager to allow Sunil Kumar Dutta to represent him and that the manager refused permission. The case in the written statement was that the workman's request to allow one of his co-workers to attend the enquiry was never conceded and that the workman still went to attend the enquiry, but that no enquiry was held. The reference was to the letter of the workman, Ext. 9, by which he asked permission that Sunil Kumar Dutta should be allowed to represent him, to which no reply was sent by the management. At the hearing therefore a different story was sought to be made out by the workman, and that case cannot be accepted. The evidence of Dipak Kumar Gupta who held the enquiry on 22nd May, 1964, although it was an *ex parte* enquiry, is corroborated by two of the witnesses whom he examined namely, M.W. 2 Ramnath Tiwari and M.W. 4 Durga Pandey. Durga Pandey in cross examination made a statement to the effect that he reported the incident to Gupta Babu who sent for him, the day after the incident, and that Gupta Babu wrote down something and asked him to sign it and he did so. From this, Sri Parimal Das Gupta, appearing for the union, has urged that the enquiry could not have been held on 22nd May, 1964, but was held earlier without notice to the workman proceeded against. But Durga Pandey's statement to the effect that he was examined by Gupta Babu the day after the incident was clearly a confused one. There are other indications in the course of the deposition of Durga Pandey that he was somewhat confused. Ramnath Tiwari, Overman, gave evidence clearly proving not only that the enquiry was held on 22nd May, 1964, as alleged by the management, but also that Khokha Bouri was drunk when he came late for duty on 29th April, 1964, and that when the manager questioned him he shouted a lot of irrelevant matters. An adverse comment was made by Shri Parimal Das Gupta for non-examination of the Medical Officer and the Manager before the tribunal, but from the evidence of Dipak Kumar Gupta it appears that the Medical Officer, J. N. Goswami who examined Khokha Bouri and who gave evidence at the enquiry on 22nd May, 1964, has left the colliery; and as regards the Manager, L. N. Mallick, he is now on leave and could not therefore be produced before the tribunal.

6. Shri Parimal Das Gupta has strongly challenged the letter of resignation, Ext. E(2) which according to the evidence of the agent, H. L. Tandon, who deposed as MW 3, was admitted by the workman in his presence. It appears that the letter, Ext. E(2), originally before the date 29th April, 1964, altered to 25th April, 1964, and this was scored through and the date 25th May was put in its place. By the letter resignation was being tendered with effect from 1st May, 1964 showing that it was originally drafted before 1st May, 1964. Against the thumb impression of Khokha Bouri there are some signatures purporting to be that of attesting witnesses, with the date 25th May, 1964, but none of the witnesses has been examined before the tribunal. Khokha Bouri's evidence is that he never submitted a letter of resignation, but when he went to receive his bonus due, Rs. 45, after receiving the order of dismissal, the Cashier took his signature not only on the payment register but also on two sheets of

paper on which something was written. It has been suggested that one of these papers might be this letter of resignation, Ext. E(2). On behalf of the management it has been urged by Shri N. Das that subsequently when Khokha Bouri filed his application for withdrawal of the money at his credit in his Provident fund, he stated therein that he resigned his post voluntarily. Ext. B is the form in connection with the application for refund of money at his credit in the Provident fund which was filled up by the management, but was sent along with the original application made by Khokha Bouri, to which a reference appears against the sub-heading "reasons for termination of service"; the entry against heading being as follows: "willingly resigned his post. Original application of the member is enclosed herewith which speaks for itself". The management at one stage filed an application for calling the original application from the Coal Mines Provident Fund authority at Asansol. The original application was not however called for, but it has not been seriously challenged by Shri Parimal Das Gupta that in the original application Khokha Bouri spoke of voluntary resignation; he has urged that Khokha Bouri was compelled to do so because he was then in financial difficulty as he had then been unemployed for some months and because if he spoke of voluntary resignation there would be no difficulty in getting back the full amount at his credit in the Provident fund account. Sri Das Gupta has urged that this subsequent statement made by the workman about voluntary resignation does not necessarily show that the letter, Ext. E(2) is genuine, i.e. that Khokha Bouri put his thumb impression on it knowing at the time that it was a letter of resignation. It appears that the letter of resignation, Ext. E(2), was written at the office of the colliery and not by the union office from which Khokha Bouri usually wrote his other letters to the management. In the absence of the evidence of the attesting witnesses to prove that Khokha Bouri put his thumb impression knowing the contents of the letter, I think that it would be unsafe to hold that Khokha Bouri put his thumb impression knowing that it was the letter of resignation. But even if it is assumed that a colliery clerk took his thumb impression on a letter of resignation before paying the bonus and other dues to Khokha Bouri, that does not show that the enquiry alleged to have been held on 22nd May, 1964, was not actually held or that record, Ext. C and the report Ext. D were subsequently prepared. I hold that the enquiry was held; the reason for non attendance of Khokha Bouri at the time of enquiry might well be that he knew that he had been under the influence of drink on 29th May, 1965, when he went late for his second shift duty, and that when he was produced before the manager on that occasion he had shouted at the manager in the presence of several people, and so there would be no use in contesting the case. In view of the offence, the order of dismissal cannot be regarded as an unduly harsh punishment.

7 I therefore hold that the management of Selected Searsole Colliery was justified in dismissing Shri Khokha Bouri with effect from 23rd May, 1964 and that the dismissal was not victimisation for trade union activities. In the circumstances, Khokha Bouri is not entitled to any relief in this case.

Dated, 10th April, 1967.

(Sd.) S. K. SEN,
Presiding Officer.

[No. 6/84/64-LRII.]

S.O. 1505.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, No. 2, Calcutta, in the industrial dispute between the employers in relation to the Banksimulia 11 and 12 Pits Colliery of Messrs Bengal Coal Company Limited, Post Office Dishergarh, Burdwan and their workmen which was received by the Central Government on the 14th April, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, CALCUTTA

REFERENCE No. 18 OF 1966

PARTIES:

Employers in relation to the Banksimulia 11 and 12 Pits Colliery,

AND

Their workmen.

PRESENT:

Shri S. K. Sen . . . Presiding Officer.

APPEARANCES:

On behalf of Employers: Shri P. P. Glnwalla, Bar-at-Law, with Shri D. Narsingh, Advocate.

On behalf of Workmen: Shri N. R. Roy, Advocate.

STATE: West Bengal.

INDUSTRY: Coal Mines.

AWARD

By Order No. 6/10/65-LR.II dated 6th April 1965, the Central Government referred for adjudication an industrial dispute between the employers in relation to the Banksimulia 11 and 12 Pits Colliery of Messrs Bengal Coal Company Limited, P.O. Disergarh, Burdwan, and their workmen in respect of the subject-matter mentioned in the following schedule:

"Whether the closure of Banksimulia 11 and 12 Pits Colliery of Messrs Bengal Coal Company Limited and the consequent retrenchment of the following 137 workmen was justified; If not to what relief are these 137 retrenched workmen entitled?

(Then follows the list of 137 workmen)".

2. The Union in its written statement asserted that there was no closure of the undertaking, the Banksimulia 11 and 12 Pits colliery, for though the working of the pit had been stopped the work of the incline under the same colliery was going on; and that even assuming that the 137 workmen were rendered surplus by the stopping of work in the pit, the management should have followed the procedure for retrenchment and paid compensation under Sec. 25F of the Industrial Disputes Act, and that not having been done the alleged retrenchment was void.

3. The management in its written statement took the plea that there could be no industrial dispute relating to the question whether the closure of the colliery was justified, as it is the inherent right of the employers to run their business or to close it down according to their discretion, and further, that a dispute arising out of closure of an establishment is not an industrial dispute within the scope of Sec. 2(k) of the Industrial Disputes Act. In their rejoinder to the union's written statement the management stated that the fact of closure could not be challenged by the union as that would go beyond the reference itself; and the pit had to be closed down for the circumstances beyond the control of the management, and so the termination of services of the workmen and payment of compensation under Sec. 25FFF of the Industrial Disputes Act was proper and justified.

4. At the hearing, Sri N. R. Roy appearing on behalf of the union has stated that the Secretary of the Union could not contact the workers and therefore he has no instruction to proceed with the reference case. In order however that the question referred may be answered by the tribunal, the management was asked to produce relevant evidence, and the management examined one witness, Sri J. M. Ghose who was the manager of the colliery at the relevant time, and also proved certain documents in order to show that the pit of Banksimulia colliery, had to be closed down for circumstances beyond the control of the management, namely for the exhaustion of the Ponlati seam, which was being worked in the pit, within the lease hold of the company. The stoppage of work in the pit took place with effect from 18th September 1964, the raising of coal from the pit being stopped with effect from 28th August 1964 as proved by the letters, Ext. A, B and C. Ext. G, a letter from the Coal Board shows that the Coal Board approved of the closure of the Ponlati seam at Banksimulia 11 and 12 Pits Colliery.

5. At the time when working of the Ponlati seam was stopped, working of the Disergarh seam under the same colliery was going on by means of an incline. I must agree with the management's contention however that the question whether there was closure of the whole undertaking namely, Banksimulia 11 and 12 Pits Colliery or there was stoppage of work in a portion of colliery only, cannot be decided by the tribunal, as the question referred by the Government assumes closure of the undertaking. Moreover, as Sri J. M. Ghose stated, the pit by which the Ponlati seam was being worked and the incline by which Disergarh seam was being worked were technically separate mines; and working of the Disergarh seam also has now been closed down with effect from July 1966.

6. I must also agree that there is substance in the contention of the management that the question whether the closure of the undertaking was justified is not an issue that can be adjudicated upon, because it is the discretion and the right of the employers to decide whether the business should go on or should be closed down. The tribunal can only decide whether something that purports to be a closure is a bonafide closure or a mere pretence, that is, whether the business is going on in another garh. The contention that a dispute arising out of a closure of an establishment is not an industrial dispute within the meaning of Sec. 2(k) of the Industrial Disputes Act cannot however be accepted, for after the amendment of the definition of "retrenchment" under Section 2(oo) of the Industrial Disputes Act and the introduction of Section 25FFF and the Third Schedule under the Industrial

Disputes Act, the question relating to the nature of the closure and the adequacy of the benefits paid on such closure to the retrenched workmen must be deemed to be the industrial disputes which can be adjudicated upon by the industrial tribunal.

7. In view of the law as it stands at present, it would have been more appropriate to refer to the tribunal the question whether there was in fact a closure of the undertaking, what was the nature of the closure and to what additional benefit, if any, the workmen were entitled to on such closure or stoppage of work. If the closure was for unavoidable circumstances not within the control of the management, the workmen would be entitled to compensation on one scale, but otherwise the workmen would be entitled to compensation on a different scale. The nature of the closure however cannot be deemed to be a question within the schedule of the present reference case.

8. However, I find that the closure of Banksimulia 11 and 12 Pits Colliery of Messrs Bengal Coal Company Ltd., was justified in the sense that it was on account of unavoidable circumstances so far as the Ponlati seam is concerned which was being worked by Pits 11 and 12 and so the consequent retrenchment of the 137 workmen was justified and they were paid proper compensation on such closure.

Sd/- S. K. SEN,

Presiding Officer.

[No. 6/10/65-LRII.]

Dated, 12th April, 1967.

New Delhi, the 22nd April 1967

S.O. 1506.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Hyderabad, in the industrial dispute between the employers in relation to the Singareni Collieries Company Limited, Kothagudium (Andhra Pradesh), and their workmen, which was received by the Central Government on the 14th April, 1967.

BEFORE THE INDUSTRIAL TRIBUNAL, ANDHRA PRADESH, HYDERABAD.

PRESENT:

Sri Mohammad Najmuddin, M.A., B.L., Chairman, Industrial Tribunal, Andhra Pradesh, Hyderabad.

INDUSTRIAL DISPUTE NO. 46 OF 1965.

BETWEEN:

Workmen of Singareni Collieries Co. Ltd., Kothagudium.

AND

Employers of Singareni Collieries Co. Ltd., Kothagudium.

APPEARANCES:

Sri M. V. Ramakrishna Rao, Asst. Personnel Officer, Singareni Collieries Co. Ltd.—for the Employers.

AWARD

The Government of India in its Ministry of Labour and Employment had, by order No. 7/14/65-LRII dated 6th July 1965, referred this dispute for adjudication to my learned predecessor, Dr. Mir Siadat Ali Khan. I had succeeded him on 19th November 1965. Thereafter by order dated 31st January 1966 the Government of India had transferred this case along with similar other cases from Dr. Mir Siadat Ali Khan to me. That is how I have jurisdiction to adjudicate this dispute. The issues as per Schedule appended to the Notification of the Government of India are these:

1. Whether the action of the management of Messrs Singareni Collieries Company Limited, Kothagudium in not allowing one additional increment, apart from the adjustment pay, at the time of fixation of pay on promotion from the grade of Rs. 48-100 to the grade of Rs. 70-158, to the following clerks is justified?
 1. Shri I. Surya Rao.
 2. Shri K. A. James.
 3. Shri K. S. Rajamany.
 4. Shri M. Krishan Rao.
 5. Shri K. S. Azaralah.

6. Shri S. L. Nathan.
7. Ch. V. Satyanarayana Murthy.
8. Shri S. Rangadas.
9. Shri A. Venkatarao.
10. Shri S. E. Satyadas.
11. Shri Demas.
12. Shri B. Venkatappaiah.
13. Shri E. Joseph.
14. Syed Afzal Hussain.
15. Shri V. J. Prasad.

2. If not, to what relief they are entitled and from what date?

2. The Singareni Collieries Workers' Union, Kothagudlum, is party to the reference. The General Secretary of that Union filed statement of claims on behalf of the claimants. The management filed counter. Thereafter the dispute had come up for enquiry. At a later stage the management filed a petition raising a preliminary objection as to jurisdiction. The Union filed counter thereto. The matter stood to this date for hearing both sides on the question of the preliminary objection. The management has presumably withdrawn its preliminary objection because a Memorandum of Settlement dated 5th April 1967 is filed.

3. The Memorandum of Settlement is signed by Mr. B. G. Pradhan and Mr. N. Bhaskarachari representing the Management. They are respectively the Deputy General Manager and the Chief Personnel Officer. Mr. V. Rajeswara Rao and Mr. I. Suryarao have signed it on behalf of the claimants. They are respectively Joint Secretary and President of the Union. There is a covering letter of the same date signed by these four gentlemen requesting that an award may be passed in terms of the Memorandum of Settlement. The latter document is attested by two witnesses. They are Mr. M. V. Ramakrishna Rao, Asst. Personnel Officer, and Mr. D. Subrahmanyam who is also Asst. Personnel Officer.

4. It will be noted that the number of claimants in the reference is fifteen. The settlement as per paragraph 2 of terms of settlement is in respect of 13 of the claimants, they being claimant Nos. 1 to 3, 5, 6, and 8 to 15 as per reference. With regard to Nos. 4 and 7, viz., M. Krishnarao and Ch. V. Satyanarayana Murthy, it is stated in paragraph 2 of the settlement that they are party to an earlier reference, viz., I.D. No. 55 of 1964, which was disposed of by my learned predecessor and which, as now stated by Mr. Ramakrishna Rao, the Asst. Personnel Officer, is at present subject of Writ Petition No. 1886 of 1965 on the file of the High Court, Andhra Pradesh. Mr. Ramakrishna Rao further states that the subject of the above writ is compromised and that a Memorandum of Settlement in respect thereof would presently be filed in the High Court. That is how the names of the remaining 13 persons alone are set out in paragraph 2 of the Memorandum of Settlement.

5. I have perused the terms of settlement. The Management has agreed to revise the salaries of the 13 persons referred to allowing them adjustment of increment with effect from 1st April 1966. The Management has also agreed to pay the arrears in this behalf on or before 30th June 1967. I am satisfied that the agreement is fair between the parties.

6. Award is herewith passed in terms of the Memorandum of Settlement dated 5th April 1967, a copy whereof is appended hereto.

Given under my hand and the seal of the Tribunal, this the 7th day of April, 1967.

(Sd.) M. NAJMUDDIN,
Industrial Tribunal.

ANNEXURE

Memorandum of settlement arrived at in Industrial Dispute No. 46 of 1965 between the Management of the Singareni Collieries Company Limited and their Workmen, represented by the Singareni Collieries Workers' Union under the Industrial Disputes Act 1947 on 5th April 1967 in the office of the Deputy General Manager, Singareni Collieries Company Limited Kothagudum Collieries.

Names of the Parties

Representing the Management:
(Singareni Collieries Co. Ltd.)

- (1) Shri B. G. Pradhan,
Dy. General Manager, S.C.
Co. Ltd.
- (2) Shri N. Bhaskarachary,
Chief Personnel Officer,
Singareni Collieries Co Ltd

Representing the Workmen:
(Singareni Collieries worker's union)

- (1) Shri V. Rajeswara Rao,
Jt. Secretary, Singareni
Collieries Workers' Union.
- (2) Shri I. Suryarao,
Treasurer, Singareni
Collieries Workers' Union.

Short Recital of the case

The General Secretary, Singareni Collieries Workers' Union in his letter No. GS/HO/1442/64, dated 24th October 1964 raised a dispute in regard to the grant of additional increment besides adjustment paid on promotion from the grade of Rs. 48—3—54—4—70—EB—5—100 to the grade Rs. 70—5—90—6—102—EB—8—158 in respect of 11 clerks in Head Office.

Conciliation Proceedings which were held on 24th April 1965 ended in failure. During the Conciliation, the Union represented the cases of 4 more clerks, bringing the total number of clerks to 15. As the Conciliation Proceedings ended in failure, the matter was referred to adjudication by the Government of India *vide* Order No. 7/14/65-LR-II, dated 8th July 1965 to the Industrial Tribunal Hyderabad which was registered as I.D. No. 46 of 1965.

With a view to arrive at an amicable settlement, discussions were held between the Management and Union on 5th April 1967. As a result of prolonged discussions, a settlement was reached on the following terms and conditions

Terms of Settlement

(1) The Union agrees to the principle that it is the right of the Management to grant additional increment after adjustment on promotion at its discretion, in individual cases on merits. The Union also agrees that the workers on promotion to the next grade would normally be eligible for adjustment only and not an additional increment in addition to adjustment.

(2) It is agreed that the cases of Items No. 4 and 7 in the schedule of reference, namely Mr. M. Krishna Rao and Mr. Ch. V. Satyanarayana Murthy are also covered by I.D. No. 55 of 1964 (*vide* Items 17 and 24 of the Government of India Order No. 7/6/64-LR II, dated 15th November 1964). As regard to the rest of 13 clerks whose names are given hereunder, the Management have agreed to revise their salaries allowing them adjustment and increment with effect from 1st April, 1966.

Shri I. Suryarao,
Shri K. A. James,
Shri K. S. Rajamany,
Shri K. S. Azaralah,
Shri S. L. Nathan,
Shri S. Rangadas,
Shri A. Venkat Rao,
Shri S. E. Satyadas,
Shri A. A. Demas,
Shri B. Venkatappaiah,
Shri E. Joseph,
Shri Syed Afzal Hussain
Shri V. J. Prasad.

(3) The arrears due on this account will be paid on or before 30th June 1967.

(4) All the claims put forward by the Union in the dispute and the issues raised by them stand fully settled.

(5) Both the parties agreed to pray the Honorable Industrial Tribunal, Hyderabad to record this settlement as a compromise and pass an award in terms of this settlement

*Signatures of the Parties**Representing the Management:*

1. (Sd.) B. G. PRADHAN.
2. (Sd.) N. BHASKARACHARY.

Representing the Workmen:

1. (Sd.) V. RAJESWARA RAO
2. (Sd.) I. SURYARAO.

Witnesses:

1. (Sd.) M. V. RAMAKRISHNARAO.
2. (Sd.) D. SUBRAHMANYAM.

Kothagudium Collieries:

Dated: 5th April 1967.

[No. 7/14/65-LRII.]

S.O. 1507.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal-cum-Labour Court, Jabalpur, in the industrial dispute between the employers in relation to the Banki Colliery of National Coal Development Corporation Limited, Post Office Bankimogra (District Bilaspur) and their workmen which was received by the Central Government on the 17th April, 1967.

BEFORE THE CENTRAL INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR.

Dated April 11, 1967

PRESENT:Sri G. C. Agarwala.—*Presiding Officer.*

REFERENCE No. CGIT/LC (3)/1967 (JABALPUR)
REFERENCE No. CGIT-(47)/1966 (BOMBAY)

In the matter of a dispute between the employers in relation to Banki Colliery of National Coal Development Corporation Limited, Post Office Pankimogra, District Bilaspur and its workmen.

APPEARANCES:

For the employers.—Sri S. P. Mathur, Deputy Superintendent of Collieries, Bankimogra.

For the workmen.—Sri P. K. Thakur, General Secretary, Khadan Mazdoor Union.

INDUSTRY: Coal Mine.

DISTRICT: Bilaspur (M.P.)

ORDER/AWARD

1. By Notification No. 5/1/66-LRII dated 26th May, 1966, Ministry of Labour and Employment, Government of India, referred the following matter of dispute as stated in the Schedule to the order of reference to Central Government Industrial Tribunal, Bombay, for adjudication under Section 10 of I.D. Act:—

SCHEDULE

1. Whether the demand made by the Khadan Mazdoor Union in respect of the workmen mentioned below for payment of wages including Dearness Allowance at the rate of Rs. 2.65 per day for the period from the date of their employment to 15th January, 1963, in accordance

with the Award of the All India Industrial Tribunal (Colliery Disputes) as modified by the decision of the Labour Appellate Tribunal of India dated the 29th January, 1967, was justified?

Sl. No.	Name of the workmen	Permanent address	Date of Apptt.	Rate paid	Rate fixed	Balance
1	2	3	4	5	6	7
1	E.K. Balen, Miner Q.R.	37/2	4/62	1.50	2.86	224.00
2	M. Taranath	"	6/62	"	"	168.00
3	B.C. Dass	"	4/62	"	"	224.00
4	K. Shivadasan	"	4/62	"	"	224.00
5	Bhagwati Prasad	"	5/62	"	"	140.00
6	Sudama	"	6/62	"	"	168.00
7	Ram Charan	"	6/62	"	"	168.00
8	Ram Dass	"	5/62	"	"	196.00
9	Swan Das	"	5/62	"	"	196.00
10	Jhethu	"	7/62	"	"	140.00
11	Nathu Ram	"	6/62	"	"	168.00
12	Bhagwat Prasad	"	4/62	"	"	244.00
13	Asha Ram	"	8/62	"	"	112.00
14	Murli	"	8/62	"	"	112.00
15	Sitaram	"	6/62	"	"	168.00
16	Mahatam Singh	"	6/62	"	"	168.00
17	Bisram Singh	"	7/62	"	"	140.00
18	Jagan Nath	"	5/62	"	"	196.00
19	Biham	"	4/62	"	"	224.00
20	Rezzak	"	6/62	"	"	168.00
21	Jagi Ram	"	4/62	"	"	224.00
22	Yekyou Singh	"	5/62	"	"	196.00
23	Vima Nayak	"	5/62	"	"	196.00
24	Vima Nahk	"	5/62	"	"	196.00
25	Purushwat	"	6/62	"	"	168.00
26	G.N. Pillai	"	4/62	"	"	224.00
27	Kashi Ram	"	4/62	"	"	224.00
28	Chot Ram	"	5/62	"	"	196.00
29	S.M. Ghosal	"	4/62	"	"	224.00
30	Ram Bilash	"	4/62	"	"	224.00
31	Ram Naresb	"	4/62	"	"	224.00
32	Bisahu	"	5/62	"	"	196.00
33	Nande	"	4/62	"	"	224.00
34	Rampyare	"	6/62	"	"	168.00
35	Rajaio	"	7/62	"	"	140.00
36	Nankidaio	"	8/62	"	"	112.00
37	Rajshwat	"	4/62	"	"	224.00
38	Laxman	"	12/62	"	"	36.00
39	Manoharlal	"	5/62	"	"	196.00
40	Mano Jha	"	7/62	"	"	140.00
41	Sive Swihan Kha	"	8/62	"	"	112.00
42	B.K. Bhattacharjee	"	5/62	"	"	196.00
43	Dahar Sai	"	4/62	"	"	224.00
44	Khubhadr	"	4/62	"	"	336.00
45	Anjad Hussain	"	4/63	"	"	196.00
46	Bhatt Ram	"	7/63	"	"	74.00
47	Bhimio	"	7/63	"	"	74.00
48	Laxman	"	1/63	"	"	56.00
49	Karan Singh	"	7/62	"	"	207.00
50	Gun Sai	"	2/63	"	"	207.00
51	Kati Ram	"	2/63	"	"	207.00
52	Shyam Lal	"	7/63	"	"	224.00
53	Bhugi	"	4/62	"	"	224.00
54	Mahethou	"	5/62	"	"	196.00
55	Sobhram	"	4/62	"	"	224.00
56	Chatoo	"	4/62	"	"	224.00
57	Bhojaidas	"	4/62	"	"	224.00

1	2	3	4	5	6	7
58	Ganesh	37/2	4/62	1.50	2.86	224.00
59	Gopal Singh	"	5/62	"	"	196.00
60	Mahetar	"	4/62	"	"	224.00
61	Manshi	"	4/62	"	"	224.00
62	Manbhok	"	4/62	"	"	224.00
63	Hiralal	"	5/62	"	"	196.00
64	Ramprasad	"	6/62	"	"	168.00
65	Manthihan	"	4/62	"	"	224.00
66	Janakram	37/2 Mines	5/62	"	2.65	196.00
67	Karan Singh	"	4/62	"	"	224.00
68	Dhani Ram	"	4/62	"	"	224.00
69	Arjun Mistry	"	6/62	"	"	168.00
70	Y. N. Singh	"	7/62	"	2.86	140.00
71	Jagtulal	"	6/62	"	"	168.00
72	Sukrithdas	"	4/62	"	"	224.00
73	Baba Singh	"	4/62	"	"	224.00
74	Prabhu Singh	"	12/62	"	"	140.00
75	Punnuram	"	1/63	"	"	112.00
76	Dhousai	"	5/62	"	"	196.00
77	Dhaweram	"	4/63	"	"	168.00
78	Hansaram	"	4/63	"	"	168.00
79	Shriram	"	3/63	"	"	448.00
80	Mehtardas	"	7/62	"	"	448.00
81	Ramprasad	"	4/62	"	"	308.00
82	Miss Bithyavathi	"	3/63	"	"	280.00
83	Bidya Wathi Rai	"	3/63	"	"	360.00
84	Parmeswar	"	7/62	"	"	180.00
85	Anijram	"	11/62	"	"	390.00
86	Pirtoo Dass	"	11/62	"	"	360.00
87	Itwar Ram	"	1/63	"	"	300.00
88	Nakseth	"	7/62	"	"	270.00
89	Tejram Fegu	"	11/62	"	"	180.00
90	Mohedin	"	4/62	"	"	360.00
91	Jaitam Das	"	1/62	"	"	390.00
92	Mukhram	"	6/62	"	"	210.00
93	Punow	"	6/62	"	"	210.00
94	Nankulal	"	6/62	"	"	180.00
95	Mangal Das	"	5/62	"	"	210.00
96	Gouri Rai	"	12/62	"	"	360.00
97	Bihari Lal	"	4/62	"	"	300.00
98	Manmohan Sarma	"	1/62	"	"	360.00
99	Mahipal Singh	"	2/63	"	"	60.00
100	Dhumdas	"	4/62	"	"	300.00
101	C. R. Day	"	1/63	"	"	120.00
102	Bijhuram	"	3/62	"	"	330.00
103	Rathi	"	9/62	"	"	270.00
104	Karthik Ram	"	1/63	"	"	360.00
105	Bawa	"	7/63	"	"	210.00
106	Karon Singh	"	7/62	"	"	450.00
107	Ganeshram	"	6/62	"	"	240.00

2. If so, to what relief are the workmen entitled?

2. Proceedings remained pending before the said Tribunal till it was transferred to this Tribunal by Notification No. 8/141/66-LRII, dated 7th January, 1967.

3. Parties filed their claims before the Bombay Tribunal and rejoinders in this Tribunal. On the pleadings of the parties, as many as six additional issues were framed on 20th March 1967. It is, however, not necessary to state the same as after the evidence was concluded on 7th April 1967 and arguments have been heard, I find that the Khadan Mazdoor Union was not competent to raise the dispute and therefore this dispute has not become an industrial dispute so as to confer jurisdiction to this Tribunal.

4. It was specifically pleaded by the employers in para 5 of their written statement that the Khadan Mazdoor Union came in existence on 7th August, 1964.

Consequently, they could not raise the dispute for a period prior to this date and at any rate for the period anterior to 15th January 1963 when they had no existence in this colliery. In spite of this pleading and a specific issue on the subject, the sponsoring Union gave no evidence to show that it was really operating during the period prior to 15th January 1963 a period for which the dispute arises. In para 4 of their rejoinder, they merely asserted that the Union came in existence on 7th December 1960 with Head Office at Korba and the jurisdiction extends over the whole of the Bilaspur district which includes this Banki Colliery. That may be so, and the Union which is a general Union of the industry may have its membership open for the entire district of Bilaspur. That does not necessarily follow that they had enrolled members of this colliery at the material time so as to claim a representative character. Their own communication to the employers (Ex. M/9) dated 7th August, 1964 shows that it was then alone that they extended their activities to this colliery and opened a branch there. Previous to this, there is nothing to indicate that they had any existence *vis-a-vis* this Colliery. Ex. M/10 is minutes of discussion dated 25th June, 1964, between representatives of the management and another general Union, M.P.C.W. Federation (INTUC) before the Labour Inspector (Central) Raipur and which has been described by the management as a settlement. But in fact it is only minutes of discussion and not a settlement. Item No. 3 relates to wages and the management agreed to pay the difference from 16th January 1963 to 24th November 1963. This was the date from when the mine came in existence. If Khadan Mazdoor Union had also been interested by reason of its activities in relation to this Colliery it is but natural to expect that they would also have made some similar demand earlier and would have been required to participate in the minutes of the discussion before the Conciliation Officer. There is a categorical statement of the Dy. Superintendent of Collieries, Sri S. P. Mathur (E.W. 1) that Khadan Mazdoor Union may have been registered on 7th December, 1960 but it was not functioning at all in Banki Colliery until 17th August, 1964. There is no rebutting evidence on behalf of the Union. Even proof of membership of the workmen concerned in the dispute was not furnished. A General Union of the industry has no right to take up the dispute of workmen of an establishment unless the concerned workmen are members of the said Union and it has assumed a representative capacity by enlistment of at least some of the workers of that establishment. For this, they made no attempt to prove. That being so, Khadan Mazdoor Union was not competent to raise a dispute for the period prior to 17th August 1964 and the dispute is not an industrial dispute. This Tribunal, therefore, has no jurisdiction so as to adjudicate on the subject-matters of the dispute.

(Sd.) G. C. AGARWALA,

Presiding Officer,

11-4-1967.

[No. 5/1/66-LR.II.]

S.O. 1508.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Andhra Pradesh, Hyderabad, in the industrial dispute between the employers in relation to the Singareni Collieries Company Limited, Kothagudum and their workmen, which was received by the Central Government on the 14th April, 1967.

BEFORE THE INDUSTRIAL TRIBUNAL, ANDHRA PRADESH, HYDERABAD

PRESENT:

Sri Mohammad Najmuddin, M.A., B.L., Chairman, Industrial Tribunal, Andhra Pradesh, Hyderabad.

INDUSTRIAL DISPUTE NO. 20 OF 1966

BETWEEN:

Workmen of M/s. Singareni Collieries Co. Ltd., Kothagudum.

AND

Management of M/s. Singareni Collieries Co. Ltd., Kothagudum.

AWARD

The Government of India in its Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) had, by Order No. 7/22/65-LR/II

dated 14th March 1966, referred this dispute to me for adjudication. The issue as per Schedule appended to the Notification of the Government of India is this:—

Whether the Management of the Singareni Collieries Company Limited, Kothagudum, was justified in placing the undermentioned Masons in Category V?

1.	Sri K. Veeriah	Mason	10 incline
2.	Sri Boddula Kristiah	Mason	10 incline
3.	Sri Gadapa Komaralah	Mason	10 incline
4.	Sri Shaik Buden	Mason	11 incline
5.	Sri Madsa Kankiah	Mason	11 incline
6.	Sri Mahboob Ali	Mason	9 incline
7.	Sri Ramamurthy	Mason	9 incline
8.	Sri Gujjulu Rajalah	Mason	7 incline
9.	Sri Panuganti Kanekiah	Mason	7 incline
10.	Sri Ramgiri Haya	Mason	7 incline
11.	Sri Burla Hanumaiah	Mason	7 incline
12.	Sri Gumpula Ramulu	Mason	7 incline
13.	Sri B. Komaralan	Mason	5 incline
14.	Sri Pandam Komaralan	Mason	5 incline
15.	Sri Boddula Gattalah	Mason	5 incline
16.	Sri Meesala Balaiah	Mason	5 incline
17.	Sri Boddula Rangaiah	Mason	5 incline
18.	Sri Lal Mohd.	Mason	5 incline
19.	Sri Shaik La'a	Mason	5 incline
20.	Sri K. Banaiah	Mason	8 incline
21.	Sri Sandellu Rajam	Mason	5 incline
22.	Sri Katkoori Posham	Mason	8 incline
23.	Sri Silviri Ramaiah	Mason	8 incline

If not, to what relief are they entitled and from what date?

2. The Andhra Pradesh Colliery Mazdoor Sangh, Kothagudum, is party to the reference. The Sangh through its General Secretary Mr. S. Ramireddy filed statement of claims. The Management filed counter. This case had come up for enquiry on 13th March 1967. On that date both parties filed petition requesting adjournment on the ground that they would try to effect settlement. The case was then posted to this date. A Memorandum of Settlement is filed. It is dated 5th April, 1967. It is signed by Mr. B. G. Pradhan and Mr. N. Bhaskara Chary representing the Management. They are respectively Deputy General Manager and the Chief Personnel Officer. It is signed by Mr. Y. Sriram Murthy and Mr. S. Ramireddy representing the claimants. They are respectively Vice President and General Secretary of the Sangh. Two witnesses attested it. They are Mr. P. S. Jayachandra Rao and Mr. D. Subrahmanyam. Mr. Jayachandrarao is Divisional personnel Officer and Mr. Subrahmanyam is Assistant Personnel Officer. There is a covering letter signed by Mr. Ramireddy and by Mr. Pradhan requesting that an award may be passed in terms of the Settlement.

3. It will be noted that the number of persons with regard to whom the reference was made is twenty three. The settlement is only in respect of 10 of them whose names are mentioned in paragraph 1 of the terms of settlement. With regard to the remaining 13 claimants it is stated in paragraph that they are not entitled to claim what had been claimed on their behalf in the statement of claims. What that means is now explained to me by Mr. Rama Krishna Rao, the Assistant Personnel Officer. He states that these 13 claimants were not on the rolls of the company as masons on 26th May 1956 that being the date from which the Recommendations of the Majumdar Award had been made effective. The Vice President and the General Secretary of the Sangh are party to the Memorandum of Settlement. It means that they were satisfied with the exclusion of these 13 claimants from the scope of the settlement.

4. I have perused the terms of the Memorandum of Settlement. The Management has agreed to give Category VII to the 10 masons whose names are set out in paragraph 1 of that settlement with effect from 14th March 1966. I am satisfied that this settlement is fair between the parties.

5. Award is herewith passed in terms of the Memorandum of Settlement dated 5th April 1967, a copy whereof is appended hereto.

Given under my hand and the seal of the Tribunal this the 7th day of April, 1967.

(Sd.) M. NAJMUDDIN,
Industrial Tribunal

MEMORANDUM OF SETTLEMENT ARRIVED AT IN I.D. NO. 20 OF 1966 BETWEEN THE MANAGEMENT OF SINGARENI COLLIERIES CO. LTD., AND THEIR WORKMEN REPRESENTED BY THE ANDHRA PRADESH COLLIERY MAZDOOR SANGH UNDER THE INDUSTRIAL DISPUTES ACT, 1947, ON 5TH APRIL, 1967 IN THE OFFICE OF THE DY. GENERAL MANAGER, S.C. CO. LTD., KOTHAGUDIUM COLLIERIES.

Names of Parties:

Representing Management:

(Singareni Collieries Co. Ltd., Kothagudium).

1. Sri B. G. Pradhan, Dy. General Manager.
2. Sri N. Bhaskarachary, Chief Personnel Officer.

Representing Workmen:

(Andhra Pradesh Colliery Mazdoor Sangh, Kothagudium)

1. Sri Y. Srirama Murthy, Vice President.
2. Sri S. Rami Reddy, General Secretary.

Short recital of the case.—The General Secretary of The Andhra Pradesh Colliery Mazdoor Sangh (I.N.T.U.C.) Kothagudium Collieries, through his letter No. V/RD/G(1)/65-62 dated 29th April, 1965, represented that the Masons working in various Mines in Singareni Collieries Co. Ltd., Kothagudium, have been wrongly placed in Category V (five) by the Management. They requested that these Masons should be placed in Category VII having regard to their pre-Award wages. Conciliation discussions which were held on the 30th September 1965 ended in failure and the matter was referred for adjudication by the Govt. of India—vide their order No. 7/22/65-LR.II dated 14th March 1966 to the Industrial Tribunal, Hyderabad, which was registered as I.D. No. 20 of 1966. With a view to arrive at an amicable settlement discussions were held mutually between the Management and the Union on 5th April 1967. After prolonged discussions, a Settlement was arrived at on the following terms and conditions.

Terms of Settlement

(1) It has been agreed to allot Category VII (Seven) to the following 10 Masons out of the 23 masons whose names were listed in the Schedule to the reference with effect from 14th March, 1966:

1. Sri K. Veeralah, Mason, No. 10 Incline.
2. Sri Ramgiri Ilaya, Mason, No. 7 Incline.
3. Sri Burla Hanumaiah, Mason, No. 7 Incline.
4. Sri B. Komaraiah, Mason, No. 5 Incline.
5. Sri Boddula Gattaiah, Mason, No. 5 Incline (now in 7 Incline).
6. Sri Meesala Balaiah, Mason, No. 5 Incline.
7. Sri Boddula Ramaiah, Mason, No. 5 Incline.
8. Sri Lal Mohd., Mason, No. 5 Incline (now in the Building Dept., Ramagundam).
9. Sri Shaik Lala, Mason, No. 5 Incline (now in L.T.P.).
10. Sri Katkoori Posham, Mason, No. 8 Incline (now in GDK. No. 1 Incline, Ramagundam).

(2) The rate of pay of the 10 workers listed under item (1) above will be fixed in Category VII (Seven) from 14th March 1966 at the stage next above the rate of pay drawn by them in Category V (five) on 14th March 1966. They will also be allowed to draw the next increment in Category VII (seven) from 1st June, 1966, as a special case.

(3) It has been agreed that Category VII (seven) shall be personal to the 10 incumbents listed above and that their successors and other masons in other mines shall continue to get Category V (five) emoluments under the Award. These masons who will carry Category VII (seven) emoluments as personal to themselves may be drawn out for surface work against vacancies of Category VII masons as and when possible.

(4) It is agreed that in the case of the other 13 masons whose names are included in the Schedule, they have no claim for similar consideration.

(5) The Management have agreed to pay towards expenses a total sum of Rs. 200 (Rupees two hundred only) to the Andhra Pradesh Colliery Mazdoor Sangh

(6) All the claims put forward by the Union in the dispute and the issues raised by them for adjudication stand fully settled

(7) Both the parties agreed to approach the Hon'ble Industrial Tribunal, Hyderabad, to record this Settlement as a compromise

Signature of Parties

Representing the Management

- 1 Sd /- B G PRADHAN
- 2 Sd /- N BHASKARACHARY

Representing the Workmen

- 1 Sd /- Y. SRIRAMA MURTHY
- 2 Sd /- S RAMI REDDY

Witnesses.—

1. Sd /- P S JAYACHANDRA RAO
2. Sd /- D SUBRAMANYAM

Dated the 5th April, 1967
Kothagudum Collieries

[No. 7/22/65-LRII.]

S.O. 1509.—In pursuance of section 17 of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal-cum-Labour Court, Jabalpur, in the industrial dispute between the employers in relation to the Korba Colliery of the National Coal Development Corporation Limited, Post Office Korba (District Bilaspur) and their workmen, which was received by the Central Government on the 17th April, 1967

**BEFORE THE CENTRAL INDUSTRIAL TRIBUNAL CUM-LABOUR COURT
JABALPUR**

Dated April 11th, 1967

PRESENT.

Sri G C Agarwala—Presiding Officer

REFERENCE No CIT/LC (17)/1966 (JABALPUR)

REFERENCE No CGIT—(2)/1966 (BOMBAY)

In the matter of an Industrial Dispute between the Employers in relation to Korba Colliery of the National Coal Development Corporation Limited, Post Office Korba (District Bilaspur—Madhya Pradesh) and their workmen

APPEARANCES

For the employers

Sri M L Thakur, Group Personnel Officer

For the workmen

Sri P K Thakur General Secretary, Khadan Mazdoor Union

INDUSTRY: Coal Mines

DISTRICT: Bilaspur (M P)

AWARD

1. By Notification No 5/24/65-LRII dated 31st December 1965, Ministry of Labour & Employment, Government of India, referred the following matters of dispute as stated in the Schedule to the order of reference under Sec. 10 of the I.D. Act 1947 to Central Government Industrial Tribunal Bombay

SCHEDULE

- (1) Whether the dismissal of Shri A K Mukherjee, Dumper Operator, by the management of Korba Colliery of the National Coal Development Corporation Limited, with effect from 4th November 1964 was an act of victimisation?
- (2) If so, to what relief is the workman entitled?

2. The parties filed their pleadings before the Bombay Tribunal. No hearing, however, could take place in the said Tribunal during the pendency of the proceedings from 14th January 1966 to 24th September 1966 whereafter the case was transferred to this Tribunal by Notification No. 8/141/66-LRII dated 17th September 1966.

3. On the first date of preliminary hearing on 18th October 1966, looking to the language of the reference, it was directed that the parties shall confine their evidence and make contentions on the issue of victimization alone. Parties, therefore, filed documentary evidence on the 2nd and 3rd November, 1966 and then produced some oral evidence on the next date which was 19th December 1966. The workmen examined two witnesses S/Sri A. K. Mukerji as W.W. 1 and G. S. Rai as W.W. 2. The employers examined Sri V. J. Natrajan as E.W. 1 who was the Chairman of the Enquiry Committee in the domestic enquiry. After evidence was concluded and arguments heard, award was reserved.

4. After examining the record more carefully and before recording award, it transpired that for some basic infirmities the domestic enquiry would stand vitiated. It was found that even though the issue was restricted to victimization alone yet the workmen had a right to show that the domestic enquiry was merely farcical and *mala fide* and that workman concerned was really not guilty of the alleged misconduct, in order to establish the plea of victimization. Since, however, the parties had not been permitted to lead evidence in order to show that the domestic enquiry was not conducted in accordance with the principles of natural justice and the employers right to establish the misconduct of the workman for which he had been punished had also been denied by my first order at the time of preliminary hearing on 18th October 1966, it was considered just and proper to allow both parties to produce evidence both on the validity or otherwise of the enquiry and also for the alleged misconduct. The employers curiously felt aggrieved by this order which manifestly operated to their advantage inasmuch as they were given an opportunity to establish the misconduct for which the workman has been punished if by any chance the domestic enquiry stood vitiated. As a matter of fact, the workmen could have had a grievance that the employers should not be allowed to have this opportunity. The employers wanted time to file a writ petition against this order in the Hon'ble High Court and they were allowed to do so. It was ultimately informed on behalf of the employers on 2nd February, 1967 that they failed in their attempt to get a writ petition admitted by the Hon'ble Court. The parties, therefore, examined further evidence on 23rd February, 1967, the employers having examined S/Sri K. S. Sinha (E.W. 2), G. S. Atwal (E.W. 3), S. N. Verma (E.W. 4) and P. C. Chakravarty (E.W. 5). They proved certain documents also, the employers documents being Ex. M/1 to M/31. On behalf of the workmen, the workman concerned Sri A. K. Mukerji was again examined as W.W. 3 and B. K. Chakravarty as W.W. 4. The documents filed and stand proved on behalf of the workmen are Ex. W/1 to W/41. Ex. W/1 was taken back and extract of Ex. W/2 the minutes, was filed and has been marked as Ex. W/2 again.

5. The workman concerned, Sri A. K. Mukerji, was in the employment of Korba Colliery of the N.C.D.C. since 1959 as a Dumper Operator. He appears to have been a member of the executive of Khadan Mazdoor Union in 1961, 1962 and 1963. It is alleged on his behalf that as an active worker of the Union he used to collect subscription, held meetings and represented the Union in conciliation proceedings. There was a strike in Inclines No. 1 and 2 of this colliery, there being four inclines and this Union took up the cause for demand of bonus. The other rival Union, M.P.C.W. Federation did not pursue the demand. The management, therefore, was hostile to this Union. A strike notice had again been given and the strike actually commenced in these Inclines again on 17th February 1964. The attitude of Khadan Mazdoor Union, however, was that there should be no strike but if the workers resorted to strike which they actually did, the Union was to support the cause of the workmen. The Union actually took up the agitation and the cause of the workers consequent to the strike. For all these reasons and the workman having been actively associated with this Union the management was not favourably disposed towards him.

6. It may, however, be stated that although the active association of the workman concerned with this Union and thus a motive for victimisation was specifically stated by him in his deposition, yet it is significant to note that no such averment was made in the written statement filed by the Union. Even in rejoinder the punishment has been described as vindictive and that too has been vaguely stated in para 7 in the end of the rejoinder. The plea of victimization for union activity is thus a vague and half hearted one.

7. The admitted facts are that on 14th February 1964 at about 8 P.M. Sri Mukerji was driving Mack Dumper No. DCW-26 from the side of the Inclines towards the General Office. From the opposite direction two Jeeps Nos. 880 and 664 were going towards the incline side. Jeep No. 890 was being driven by the Dy. Superintendent of Collieries, Sri K. A. Sinha. With him on the front seat were two other officers S/Sri G. S. Atwal, Manager Inclines No. 1 & 2 (E.W. 3) and G. P. Ghosh. One Surkhel, an Overman and one or two other persons were on the back seat. The other jeep which was following at some distance was occupied by Sri S. N. Verma, Executive Engineer (Electrical & Mechanical) (E.W. 4), Sri P. C. Chakravarty, Chargeman (E.W. 5) and one or two other persons. The front jeep driven by Sri Sinha had not the dimmer in proper order and therefore the headlights could not be dimmed. According to the management, this annoyed Sri Mukerji who when the jeep was about 100 yds. distant swerved the Dumper towards the direction of the jeep forcing it to leave leaving very little space in between. This was a deliberate act on the part of the road so much so that the front left wheel had to go into the field in order to avert an accident. The Mack stopped right close to the jeep near its bumper Mukerji. Not only this, it is alleged that Mukerji jumped out of the Mack and shouted calling names. Even though he had identified Sri Sinha, the top man of the Colliery, he uttered "you guys, you do not use dimmer" and further remonstrated by saying that this was the way in which he had been teaching officers to drive. Sri Sinha got down from the jeep and directed Sri Mukerji to leave the Mack. Meanwhile, second jeep came on the spot and he asked Sri Verma to go and bring Sri Natrajan, Staff Officer and Sri Mohan Lal, Engineer, for getting the Dumper examined. He also directed Sri Verma to bring a photographer so as to have photographs of the relative position of vehicles in order to determine who was at fault. Sri Mukerji ignoring the direction not to touch the Dumper got into it, backed it, and parked it towards his right side so as to place it in proper position. He continued to behave insolently and impertinently by lighting a cigarette and smoking in presence of Sri Sinha. The Staff Officer, Sri S. N. Verma, proceeded to the Inclines and brought with him Sri Natrajan and Mohan Lal within 15 to 20 minutes. Photographer, however, could not be found. Sri Sinha narrated the incident to Sri Natrajan and on his advice, Sri Sinha, gave a chit (Ex. W.29) ordering him to leave the Mack and suspending him from duty. It was then alone that Sri Mukerji left the Mack Dumper, Sri Mohan Lal checked the Mack and found that there was no mechanical defect.

8. As a result of this incident on a report by Sri Sinha, Mukerji was charge-sheeted by Sri M. L. Karwal, Executive Engineer (Maintenance) under whom Sri Mukerji was working. It would be material to reproduce the charge-sheet (Ex. M. I):

Charge-sheet

"It has been reported to me that at about 8.00 P.M. of 14th February 1964 you had been driving Mack No. DCW-26 from your place of duty towards the General Office in a very careless way. Jeep No. 890 followed by another Jeep No. 664 were going towards the Inclines at that time. When the Jeeps and the Mack you had been driving were crossing each other, you did not care to slow down the mack or to give side to the Jeeps which were compelled to go out of the road towards the left even, at the risk of falling into a ditch. You had been observed to be driving the above mack in a way to gradually force the above jeeps to go out of the road even when the latter allowed you sufficient passage for the mack to pass.

The mack was stopped by you almost grazing the jeep No. 890. You then came out from the Mack and behaved most dis-courteously and in an in-subordinate way with the Deputy Supdt. of Collieries who was driving the jeep No. 890.

You were ordered by the Dy. SOC to leave the mack as it was, but you did not care to abide by the order and you on the contrary, drove the mack backwards and brought it again towards the left of the road, looking from your direction of journey. In order to cover your carelessness, mis-chief and fault.

You were also observed to be carrying an unauthorised person named Sri Mazumdar, who was on off duty, for purposes not known to the Administration

Further examination of the mack revealed that it warranted no attention of the workshop or required re-fueling, which amounts to your leaving the place of duty without permission of the competent authority. The above acts of yours constitute the following mis-conduct as per section 18 of the standing orders:—

1. Willful insubordination and dis-obedience of orders given by the Superiors.
2. Disorderly or indecent behaviour at the premises of mine.

3. Habitual indiscipline.
4. Causing wilful damage to work in progress and to the property of the employer.
5. Leaving work without permission or sufficient reason.
6. Abetment of or attempt at abetment of any of the above acts of misconduct.

By the above actions of yours you were further found to be indulging in deliberate mischief making involving (?) risk to the human life and dis-respect to the superior officers.

You are required to explain within 48 hours of receipt of this letter, why disciplinary action should not be taken against you. Also state whether you like to be heard in person.

Pending enquiry and decision you are put under suspension with loss of pay."

Sri Mukerji sent his explanation on 17th February 1964 (Ex. M/2) which was found unsatisfactory. Sri Sinha, Dy. Superintendent of Collieries, Korba, constituted an Enquiry Committee with Sri V. G. Natrajan, Staff Officer (Excavation), Sri D. S. Mathur, another Staff Officer (Electrical & Mechanical) and Sri B. K. Singhal, Asstt. Engineer (Excavation) by order Ex. M/3. After a protracted enquiry which concluded on 9th July 1964 the Enquiry Committee submitted its finding (Ex. M/10) signed by all the three members of the Committee. It is, however, undated. Since the matter concerned Sri Sinha himself, he sent the enquiry papers and the finding to the Area General Manager with his D.O. dated 27th August, 1964 (Copy Ex. M/11) and on receipt of the approval of the proposed punishment of dismissal the workman concerned, Sri Mukerji, was dismissed by an order dated 4th November 1964 (Copy Ex. M/12) giving rise to this reference in due course.

9. As adverted to earlier, the terms of reference had been restricted for determination of the question whether the dismissal of Sri Mukerji was an act of victimization on the part of the management. Victimization as commonly understood means that the dismissal is merely a camouflage so as to get rid of an employee on an invented charge which is untrue. If the charges are false and the enquiries are mere empty formalities and further the motive of the management for punishment is *mala fide* it would be deemed to be an act of victimization. It can also be inferred if the punishment inflicted is unconscionable and grossly disproportionate to the offence [Howrah Municipality Vs. Mansa Ram reported in 1965 (11) F.L.R. p. 6; Bengal Bhatdee Coal Co. Vs. Ram Prabesh Singh, 1963 (1) LLJ p. 291]. In the latter Bengal Bhatdee Coal Co. case, it was observed that "there is no doubt that though in a case of proved misconduct, normally the imposition of penalty may be within the discretion of the management, there may be cases where the punishment of dismissal for the misconduct proved may be so unconscionable or so grossly out of proportion to the nature of the offence that the tribunal may be able to draw an adverse inference of victimization merely from the punishment inflicted." At the same time the mere fact that the relations between the management and the union were not cordial would by itself be no evidence to prove victimization as that would be giving *carte blanche* to commit any misconduct and get away with it on the ground that relations between the employer and the Union were not happy. This principle was stated and applied in Hamdard Dawakhana Wafk vs. its workmen and others reported in 1962 (1) LLJ p. 772 at page 779. In the former Howrah Municipality case referred to above, it was observed by their Lordships of the Supreme Court that "It is well established that in the case of victimisation or unfair labour practice it is open to industrial tribunal to go into the merits of the case and to investigate whether the order of punishment is justified" With this legal position, facts of this case may be examined.

10. As the top man of the Korba Colliery as Sri K. A. Sinha was himself involved in the occurrence for which the workman concerned had been charge-sheeted, it will have to be seen whether the domestic enquiry was really a fair and *bona fide* enquiry or merely an eye wash and empty formality with punishment a foregone conclusion on the part of the management. There are some obvious basic defects which would vitiate the enquiry as being unfair and violating the well accepted principles of natural justice.

11. The first infirmity in the enquiry is that it was presided by Sri Natrajan, Staff Officer, who was more or less an eye witness himself to the occurrence. It

is an admitted case that he was sent for by Sri Sinha who despatched Sri S. N. Verma to bring Sri Natrajan and Sri Mohan Lal. Both these persons arrived within 15 or 20 minutes of the occurrence. It was admitted by Sri Natrajan that on his arrival, the Dy. Supdt. of Collieries, Sri Sinha, narrated the entire incident and on his advice Sri Mukerji was suspended. He obviously got a one sided version and naturally developed a bias from the very beginning. As observed by the Supreme Court in Associated Cement Company Ltd. Vs. their workmen, reported in 1963 (II) LLJ p. 396 "If an officer himself sees misconduct of a workman, it is desirable that the enquiry should be left to be held by some other person who does not claim to be an eye-witness of the impugned incident." It was further observed in the same paragraph at page 400 that "*As we have repeatedly emphasized, domestic enquiries must be conducted honestly and bona fide with a view to determine whether the charge framed against a particular employee is proved or not, and so care must be taken to see that these enquiries do not become empty formalities.*" If an officer claims that he had himself seen the misconduct alleged against an employee, in fairness steps should be taken to see that the task of holding an enquiry is assigned to another officer." He himself had not obtained the version of Sri Mukerji on the spot. It was on his advice that Sri Sinha issued a slip (Ex. W. 29) suspending the workman. With pre-conceived ideas about the incident, he could naturally not bring to bear a detached and dispassionate judgment on the episode. This is further reflected by the fact that when the enquiry commenced instead of examining the management witnesses the workman concerned, Sri Mukerji, was closely cross-examined by members of the Enquiry Committee. As in the Associated Cement Company case (*supra*) where Malak Ram was workman concerned in that case, so was Sri Mukerji also questioned and some of the questions clearly sound as questions in cross-examination. As pointed out by the Supreme Court while dealing with the case of Malak Ram the management should first be required to produce their evidence and then workman should be examined so as to afford an opportunity to explain the evidence lead against him.

12. Another vital infirmity in the enquiry is found in the fact that one of the members of the Enquiry Committee, Sri D. S. Mathur, had practically been absent throughout except for one day when Sri K. A. Sinha was examined on 25th April, 1964. The proceedings of the enquiry (Ex. M/9) would show that Sri Mathur had not been present on other dates which were several. Curiously, however, he signed the enquiry report without any comment of his own or making a mention about his absence throughout except on one date.

13. The enquiry report itself would show that it is a laboured document. Para 3 of the report starts with the evidence of K. A. Sinha, Dy. S.O.C. who was the last witness in the enquiry. There is no discussion of the evidence and it is merely stated that the facts stated by Sri Sinha were corroborated by other witnesses named and mentioned as P.Ws. 1 to 6. The version given by the workman concerned, Sri Mukerji, was not considered at all and a strange inference was drawn by the following observation made in the report while dealing with the defence:—

"Now coming to the defence side, Sri Mukerji the defendant in his cross-examination, when questioned as to what time the incident alleged against him in the Charge-sheet took place, stated that it was recorded in the charge-sheet. Thus he has not denied the occurrence of the incident, rather admitted the same."

14. This is indeed a curious inference. What had been stated by the workman in his explanation was not reproduced and considered. In the subsequent paras, it is true no doubt that the defence version as stated in the explanation was discussed. But that was only to demolish it and not with a view to indicate how the version was untrustworthy. The conclusion also shows that the finding was not recorded with an open mind. Although charges 3 and 6 were found to be not proved. These charges naturally were quite off the mark and could not by any stretch be made applicable. Naturally they had to be dropped as not proved. The finding on charge No. 4 is on the face of it perverse. It is for causing wilful damage to work in progress or to the property of the employers. It was held to be proved in that "the Mack which he was plying belonged to his employer in the Corporation and if the accident had occurred due to his indiscipline action, the vehicle i.e. Mack would have been damaged." The Enquiry Committee has synchronised contingent damage as actual damage and that too wilful. This shows how prejudiced were the findings of the Committee. For charge No. 5, in paragraph 5 of the report, the Enquiry Officer disbelieved the evidence of Sri B. K. Chakravarty (D.W. 1) on the ground that his name was not mentioned in the reply to the charge-sheet. The evidence was held to be concocted and defence not acceptable. The Committee proceeded with the premises that it was for the workmen to have established his innocence and not for the management to prove the charges.

16. Coming to the merits of the change, it is clear that the workman, Sri Mukerji, deliberately drove the Mack in such a way so as to drive out the jeep to the extreme left with a view to teach the driver a lesson for not dimming the light. This has been specifically stated not only by Sri K. S. Sinha but also by two other officers S/Sri G. S. Atwal and S. N. Verma (E.W. 3 and E.W. 4) besides another witness Sri P. C. Chakravarty (E.W. 5). The workman concerned, Sri Mukerji, in his explanation (Ex. M/2) stated that his eyes got dazzled. That was not the justification for driving further in the fashion in which he did. He could have stopped the Dumper then and there. It is manifest that in order to teach a lesson to the officers who could be expected to drive the jeep, he adopted this attitude of driving the Mack in such a manner that the jeep had to be forced out from the road. In other words, he adopted a sort of shock tactic. He gave a different explanation by stating in this Tribunal that he found two pedestrians standing on the right side of the road and in order to save them he had to move the Mack to further right. This is a clear innovation and this was nowhere stated either in his explanation or suggested even before the Enquiry Committee. His further conduct in disobeying the direction of the Dy. Supdt. of Collieries to leave the Mack and by backing it and parking it in the right position which is an admitted fact, is a clear proof of his guilty intention. He obviously did it to shield himself from the wrong done by him when Sri Sinha sent Sri S. N. Verma to get Sri Natrajan and Mohan Lal and a photographer. The explanation of the workman, Sri Mukerji, that leaving the Mack in that position on the road would have been a violation of the traffic rules as contained in the Motor Vehicles Act is a mere subterfuge to cover up his wrong conduct. It is easy to invent an explanation now for this conduct. The whole question is what was working in his mind at that time. He had not backed and parked the vehicle with a view to avoid a breach of the traffic regulation as he did not suggest this to Sri Sinha or anyone else on the spot. He manifestly did it with a view to cover up his own fault and to leave no trace of his driving so deliberately and rashly. That he uttered insolent and impertinent language so as to take up cudgels with the Dy. Supdt. of Collieries admits of little doubt and has been stated by Sri Sinha and Sri Atwal (E.Ws. 2 & 3). Sri S. N. Verma (E.W. 4) has also corroborated them by saying that when he came to the scene of occurrence he found Sri Mukerji saying "yes this is the way, I am teaching you people how to drive." That Mukerji had taken upon himself the arrogant role of teaching officers how to drive is demonstrated by the fact that on a previous occasion also, not many days before this incident, he behaved similarly with another officer though on a different matter. It appears that on 14th January 1964, he submitted a report to the Dy. Supdt. of Collieries complaining that on 13th January 1964 Mr. A. S. C. Sinha parked his Jeep, suddenly changing his direction to the right and a few yards ahead of him. The Dy. Supdt. of Collieries called for a report (Ex. E/29) and the report of Sri A. S. C. Sinha (Ex. E/30) shows that he had parked the Jeep quite away from the road when the Mack was about 100 yds. away. Sri Mukerji approached him and talked insolently and impertinently and started teaching him traffic rules. The Deputy Superintendent of Collieries entrusted the matter to Sri S. N. Verma, Executive Engineer for investigation. Sri Verma has deposed that he made verbal enquiries from Sri A.S.C. Sinha and two other persons who were alleged to have been in the Jeep. Finding no substance, he took the papers to Dy. S.O.C., and delivered the papers to him. The order of Dy. Supdt. of Collieries dated 20th January, 1964 shows that he took a dispassionate view of the matter and recorded an order which is in following terms:—

"It is heartening to note the sense of road consciousness in the operator concerned. The consciousness should not exceed the limit as to misbehave with an officer. It would have been appreciated had he reported to us without getting into conflict with Officer concerned. Please go through the papers and issue necessary letter."

17. It is clear that the Dy. Supdt. of Collieries took a fair and a detached view of this incident. Emboldened by the fact that no disciplinary action is taken against him when he misbehaves and presumably under the conceit of his being an office bearer of the Union, the workman concerned, Sri Mukerji, apparently lost all sense of proportion and decency in this deliberate conduct of driving the Mack in such a way as to administer a shock tactic and to compel the Jeep to go out of the road. Not only this, he indulged in an impertinent and disorderly manner by joining issue with the Dy. Supdt. of Collieries, Sri Sinha, and calling him names. Further, there was clear disobedience of the orders when he was required to leave the Mack but he did not do so. On the contrary, he drove it back and placed it in the right position in order to shield himself from his wrong. All this is covered by clause 18(1)(c) of the Standing Orders which describes wilful insubordination or disobedience of reasonable order of superiors, as a misconduct

18. The other charge of leaving work without permission or sufficient reason has not been substantiated by the management in these proceedings. On the contrary, the workmen examined Sri B. K. Chakravarty, Fitter Helper, who corroborated the version of the workman concerned that it was at his suggestion that Sri Mukerji was required to bring the Dumper for setting right the functioning of the clutch and the holst. This evidence of the workman remained uncontroverted. At the same time, the charge of wilful insubordination and disobedience of reasonable order of the superior by itself was a grave and a major misconduct to merit the punishment of dismissal. The past record of Sri Mukerji was far from clean. There had been a number of cases when he had been warned or punished for lapses. Exts. M/17 and M/17 would show that he caused serious damage to over head power lines in the Pilot Quarry on 18th December 1959 by driving one Euclid negligently. He was suspended and his increment was stopped for six months. On 18th June, 1960 he was found to have taken out a Dumper DCW-6 without permission and which got stuck up near Inclines 3 & 4 though the place of his working was Inclines No. 1 and 2. By Ex. M/20 he was punished by suspension for three days. On 17th June, 1962 he was charged for damaging the Diesel tank of DCW-6 (Ex. M/21). By another charge-sheet (Ex. M/22) dated 17th May, 1962 it was stated that on 24th April 1962 while operating DCW he dashed it against the protection beam of 11 K. V. line near Inclines 1 and 2 causing immense damage to the vehicle. There is yet another charge-sheet dated 28th September 1962 (Ex. M/23) charging him that head light connection of DCW-7 had been tampered with and dash board screws removed by him. With such a previous bad record of the workman, the management was fully justified in imposing the punishment of dismissal for the incident dated 14th February, 1964 and for which he had been charge-sheeted.

19. The next question, however, is whether any relief can be given to the workman for the failure on the part of the management to hold a fair and a bonafide proper enquiry. He had been suspended on the spot. He was dismissed on 4th November, 1964. It was a fairly long period during which he was kept under this mental suspense and torment. The enquiry was not a bonafide and fair one. The management has, however, justified and proved the misconduct before this Tribunal. On the authority of *Sasamusa Sugar Works Vs. Sheobrat Khan* and others reported in A.I.R. 1959 (S.C.) p.923, it is but just and fair that the workman should be compensated with wages till the date when the misconduct has been justified. Under the Standing Orders there can be suspension only for 10 days during enquiry and for the rest of the period the workman has to be paid half the wages. When the period of enquiry was a long and a protracted one and the enquiry stands vitiated for violation of principles of natural justice, it is but reasonable and fair that the workman concerned, Sri A. K. Mukerji, should be compensated till the dismissal order is justified.

Decision:—

The dismissal of Sri A. K. Mukerji is not found to be an act of victimization. At the same time, the termination of his service without a bonafide and a proper enquiry was unjustified. He shall be entitled to all the back wages from 14th February 1964 and shall be deemed to have been in service with attendant benefits till this date. No order for costs.

G. C. AGARWALA,

Presiding Officer

[No. 5/24/65-LRII.]

ORDERS

New Delhi, the 17th April 1967

S.O. 1510.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Ningha Colliery, Post Office Kalinaha & District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, No. 2, Calcutta, constituted under section 7A of the said Act

SCHEDULE

Whether the dismissal of Shri Baxis Singh, Heavy Tyndal, with effect from the 6th December, 1966, by the management of Ningha Colliery, Post Office Kalipahar, District Burdwan was justified? If not, to what relief is the workman entitled?

[No. 6/24/67-LRII.]

S.O. 1511.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Kankanee Colliery of Messrs Bhowra Kankanee Collieries Limited, Post Office Bansjora, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Additional Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Kankanee Colliery, Post Office Bansjora, District Dhanbad, of Messrs Bhowra Kankanee Collieries Limited, of which Messrs Karamchand Thapar & Brothers (Private) Limited, are the Managing Agents was justified in refusing to treat Srimati Ganeshi Debi as full time Mid-wife? If not, to what relief is she entitled and from which date?

[No. 2/154/66-LRII.]

New Delhi, the 20th April 1967

S.O. 1512.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Jamadoba Colliery of Messrs Tata Iron and Steel Company Limited, Post Office Jealgora (Dhanbad) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication,

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Additional Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act

SCHEDULE

(i) Whether the suspension of Shri Man Bahadur, Watchman, for ten days, with effect from the 26th November, 1966 and his transfer from Jamadoba Colliery to Malkera Colliery with effect from the 10th December, 1966, by the management of Messrs Tata Iron and Steel Company Limited, were justified?

(ii) If not, to what relief is the workman entitled?

[No. 2/12/67-LRII.]

S.O. 1513.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Bararee Colliery of East Indian Coal Company Limited, Post Office Jealgora (Dhanbad District) and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Additional Industrial Tribunal, Dhanbad, constituted under Section 7A of the said Act.

SCHEDULE

- (i) Whether the dismissal of Shri Bisheshwar, Oil Issue Clerk by the management of Jealgora Colliery of East Indian Coal Company Limited, Post Office Jealgora, District Dhanbad, with effect from 23rd October, 1964, was justified?
- (ii) If not, to what relief is the workman entitled?

[No. 2/43/67-LRII.]

New Delhi, the 22nd April 1967

S.O. 1514.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the 6 and 7 Pits Section of Jamadoba Colliery of Messrs Tata Iron and Steel Company Limited and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Additional Industrial Tribunal, Dhanbad, constituted under Section 7A of the said Act

SCHEDULE

Whether the dismissal of Shri Hira Singh, Watchman, 6 and 7 Pits Section of Jamadoba Colliery of Messrs Tata Iron and Steel Company Limited with effect from the 26th November, 1966, was justified? If not, to what relief is he entitled?

[No. 2/44/67-LRII.]

S.O. 1515.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Sarpi Kajora Colliery, Post Office Ukhra, District Burdwan, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal No. 2, Calcutta, constituted under Section 7A of the said Act.

SCHEDULE

Whether the refusal to employ Shri Chhattu Bhuiya, General Mazdoor, with effect from the 18th January, 1967 by the management of Sarpi Kajora Colliery, Post Office Ukhra, District Burdwan was justified? If not, to what relief is the workman entitled?

[No. 3/30/67-LRII.]

CORRIGENDUM

New Delhi, the 18th April 1967

S.O. 1516.—In the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 302 dated the 3rd February, 1967 and published in the Gazette of India, Part II, Section 3, sub-section (ii) at page 381,

in line 24 for "Rohan Bhula" read "Rohan Nonia".

[No. 2(157)/66-LR-II.]

BALWANT SINGH, Under Secy.

(Department of Labour & Employment)

New Delhi, the 17th April 1967

S.O. 1517.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), and in supersession of the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 2475 dated the 10th October, 1961, the Central Government hereby appoints Shri Surendra Nath Verma to be an Inspector for the whole of the State of Bihar for the purposes of the said Act and of any scheme framed thereunder in relation to an establishment belonging to, or under the control of the Central Government, or in relation to an establishment connected with a railway company, a major port, a mine or an oil-field, or a controlled industry *vice* Shri A. K. Banerjee.

[No. F. 17(65)/64-PF-I(II).]

New Delhi, the 20th April 1967

S.O. 1518.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the location of the factories specified in the Schedule below, in sparse areas in the State of Kerala, hereby exempts the said factories from the payment of the employer's special contribution leviable under Chapter V-A of the Act until the enforcement of the provisions of Chapter V of that Act in those areas.

THE SCHEDULE

Sl. No.	Name of the District	Name of the area	Name of the factory
1	2	3	4
1	Alleppey	Mannar	M/s. Straw Board Factory
2	Cannanore	Kasargod	M/s. Kasargod Bus Transport Co., Transport Operators and Mail Contractors.
3	Ernakulam	Neleshwar	M/s. Gajanna Tile Works.
		Nadama	M/s. United Can Company.
		Chemmanad	M/s. Cochin Refineries Ltd., Ambalamugal
		Karukutty	M/s. Premier Cable Co. Ltd.
		Thodupuzha	M/s. Carmel Rubber Works.
4	Kottayam	Changanasserry	M/s. N.S.S. Press, Perunna
		Peermade	M/s. Peermade Foundry
5	Trichur	Chengaloor	M/s. Raja Trading Co., Maravancherry
		Kalloor	M/s. The Vattakkuzhy Tile Works.
		Parappookara	(i) M/s. St. John Tile Works, Mukundapuram Taluk.
			(ii) M/s. Mangalam Industries Nandikkara, Mukundapuram Taluk.

[No. F. 6(22)/67-HI.]

S.O. 1519.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the location of the factories mentioned in the schedule below in sparse areas in the State of Orissa, hereby exempts them from the payment of the employers' special contribution leviable under chapter VA of the said Act until the enforcement of the provisions of chapter V of that Act in those areas :—

SCHEDULE

Serial No.	Name of the District	Name of the Area	Name of the factory
1	2	3	4
1	Cuttack	Khuntuni	M/s. Konark Ceramics (P) Ltd.
		Pratapanagari	M/s. Hume Pipe factory P.O. Telenganath.

1	2	3	4
2	Dhenkanal	Talcher Hemsarpur	Pattel Engineering Co. Ltd. Anugual Panchayat Samity, Smith Production Co-op. Society Ltd.
3	Koraput	Kotapada	Kotapada Manglova Pottery Roofing Tiles Manufactur- ing Co-op. Society Ltd.
4	Sundargarh	Birmitrapur	(i) Birmitrapur Carpentry Co-op. Society Ltd. (ii) Birmitrapur Black Smithy Co-op. Society Ltd.
5	Sambalpur	Bargarh	Radhasyam Gudakhu Fac- tory.

[No. F. 6(25)/67-HI.]

S.O. 1520.—In exercise of the powers conferred by Section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the location of the factories mentioned in the Schedule below in a sparse area in the State of Bihar, hereby exempts the said factories from the payment of the employers' special contribution leviable under Chapter VA of the said Act until the enforcement of the provisions of Chapter V of that Act in said area:—

SCHEDULE

Sl. No.	Name of District	Name of Area	Name of the Factory
1.	Shahabad	InderPuri	Temporary Auto Repair shop and Temporary Workshop.

[No. F. 6(24)/65HI.]

New Delhi, the 22nd April 1967

S.O. 1521.—In exercise of the powers conferred by sub-section (2) of Section 8D of the Employees' Provident Funds Act, 1952 (19 of 1952), and in supersession of the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 2476, dated the 10th October, 1961, the Central Government hereby appoints Shri Surendra Nath Verma as Regional Provident Fund Commissioner for the whole of the State of Bihar vice Shri A. K. Banerjee. Shri Surendra Nath Verma shall work under the superintendence of the Central Provident Fund Commissioner.

[No. 17(65)/64-PF.I(1).]

S.O. 1522.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 30th day of April, 1967 as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force) and Chapters V and VI [except sub-section (1) of section 76 and sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas of the State of Andhra Pradesh, namely:—

I. In the Revenue village of Vantithadi Agraharam which is situated to the South of Vizianagaram with the following boundaries:—

North:	Vizianagaram	(Revenue village).
East:	Dharampuri	(Revenue village).
South:	Sarika	(Revenue village).
West:	Chillapeta h/o Duppada.	

II. In the Revenue village of Kanapaka-Ayyannapeta with the following boundaries:

North: Kukalametta Lakshmipuram (Revenue village).

East: Gajularoga and Vlzianagaram Cantonment.

South: Bobbadipeta h/o Duppada.

West: Karakavalasa (Revenue village).

[No. F. 13(8)/67-HI.]

New Delhi, the 24th April 1967

S.O. 1523.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Saloman and Company, Agencies, Ashok Rajpath, Patna-4 have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. 8(4)/66-PF-II.]

S.O. 1524.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Fellowship Mission Hospital (Marthoma Medical Mission) Kumbanad P.O.; Allepey District, (Keralal State) have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment with effect from the 1st April 1967.

[No. 8(55)/66-PF-II.]

S.O. 1525.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. Bharat Commerce and Industries Limited, Rajpura have agreed that the provisions of the employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 1st day of October 1966.

[No. 8(27)/67-PF-II.]

S.O. 1526.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952) and in supersession of the notification of the Government of India in the late Department of Social Security No. S.O. 524, dated the 2nd February, 1965, the Central Government hereby appoints Shri A. M. Mungale to be an Inspector for the Union territory of Goa, Daman and Diu for the purposes of the said Act and of any Scheme framed thereunder, in relation to any establishment belonging to, or under the control of the Central Government, or in relation to any establishment connected with a railway company, a major port, a mine or an oilfield or a controlled industry, *vice* Shri V. S. Datar.

[No. 20(65)65-PF.I.]

New Delhi, the 25th April 1967

S.O. 1527.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 30th day of April, 1967 as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force) and Chapters V and VI (except sub-section 1 of section 76 and sections

77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following area in the State of Maharashtra, namely:—

Area within the limits of Sangli Municipal council in Taluka Miraj, District Sangli in the State of Maharashtra.

[No. F.13(10)/67-HL.]

DALJIT SINGH, Under Secy.

(Department of Labour and Employment)

New Delhi, the 24th April, 1967

S.O. 1528.—In exercise of the powers conferred by section 8 of the Coal Mines Labour Welfare Fund Act, 1947 (32 of 1947), read with rule 3 of the Coal Mines Labour Welfare Fund Rules, 1949, the Central Government hereby appoints Shri G. C. Singha Roy, a person nominated by the Madhya Pradesh and Vidarbha Mining Association, as a member of the Advisory Committee *vice* Shri J. C. Malhotra resigned, and makes the following further amendment in the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 4380 dated the 23rd December, 1964, namely:—

In the said notification, for the entries against serial No. 12, the following entries shall be substituted, namely:—

“Shri G. C. Singha Roy, Nominated by the Madhya Pradesh and Vidarbha Mining Association”.

[No. 3/4/67-MIL.]

K. D. HAJELA, Under Secy.

(Department of Rehabilitation)

(Office of the Chief Settlement Commissioner)

New Delhi, the 14th April, 1967

S.O. 1529.—In exercise of the powers conferred by Clause (a) of Sub-Section (2) of Section 16 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954) the Central Government hereby appoints for the Union Territory of Delhi, Shri D. D. Purle, Assistant Settlement Officer in the Office of the Regional Settlement Commissioner, New Delhi as Managing Officer for the custody, management and disposal of compensation pool with effect from 18th March, 1967.

[No. 7/88/55-Admn(R).]

New Delhi, the 17th April 1967

S.O. 1530.—In exercise of the powers conferred by Sub-Section (1) of Section 3 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Shri A. L. Bahl in the office of the Assistant Settlement Commissioner Incharge, Bombay, as Assistant Settlement Commissioner for the purpose of performing the functions assigned to such officers by or under the said Act with effect from the date he took over charge of his post.

[No. 5(2)AGZ/67.]

A. G. VASWANI,

Settlement Commissioner (A) &
Ex-Officio Under Secy.

MINISTRY OF INDUSTRIAL DEVELOPMENT & COMPANY AFFAIRS

(Department of Industrial Development)

(Indian Standards Institution)

New Delhi, the 17th April, 1967

S.O. 1531.—In pursuance of sub-regulation (1) of Regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as subsequently amended, the Indian Standards Institution hereby notifies that twentytwo licences, particulars of which are given in the Schedule hereto annexed, have been granted authorizing the licensees to use the Standard Mark.

THE SCHEDULE

Serial No.	Licence No. and Date	Period of From	Validity To	Name and Address of the Licensee	Article /Process Covered by the Licence	Relevant Indian Standard
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	CM/L-1402 1-3-1967	1-3-67	29-2-68	M/s Samal Harand of India Pvt. Ltd, 218/1, Picnic Garden Road, Calcutta-39 having their office at 34/1 Elgin Road, Calcutta-20.	Three-phase induction motors upto 5 hp-class 'A' insulation	IS: 325-1961 Specification for three-phase induction motors (second revision)
2	CM/L-1403 3-3-1967	16-3-67	15-3-68	M/s Indian Mineral Industries Ltd, Trenching Ground Approach Road, Agarpara, 24 Parganas having their office at 22/1 Dum Dum Road, Calcutta-2.	BHC water dispersible powder concentrates	IS: 562-1962 Specification for BHC water dispersible powder concentrates (second revision)
3	CM/L-1404 8-3-1967	16-3-67	15-3-68	M/s Tata Fison Industries Ltd, 431/4 Panchpokhadi Village, Balrajeshwar Road, Mulund, Bombay-80 having their office at Union Bank Building, Dalal Street, Fort, Bombay.	Malathion emulsifiable concentrates	IS: 2567-1963 Specification for malathion emulsifiable concentrates
4	CM/L-1405 13-3-1967	16-3-67	15-3-68	M/s Ramkrishnan Kulwant Rai, Tiruvottiyur, Madras, having their office at 15/16 Kundi Chetty Street, Madras.	Structural steel (standard quality)	IS: 226-1962 Specification for structural steel (standard quality) (third revision)

(1)	(2)	(3)	(4)	(5)	(6)	(7)
5	CML-1406 13-3-1967	1-4-67	31-3-68	M/s Industrial Minerals & Chemical Co., Kurla Marol Road, Chalkala, Andheri, Bombay-58 having their office at 125 Narayan Dhuru Street, Nagdevi, Bombay-3.	Aldrin emulsifiable concentrates	IS: 1307-1958 Specification for aldrin emulsifiable concentrates
6	CM/L-1407 14-3-1967	16-3-67	15-3-68	M/s Power Cables Pvt Ltd., Vithalwadi, Near Kalyan (C. Rly.)	Polythene insulated and PVC sheathed cables single core with aluminium conductors	IS: 1596-1962 Specification for polythene insulated and PVC sheathed cables
7	CM/L-1408 17-3-1967	1-4-67	31-3-68	M/s Tata Iron & Steel Co. Ltd. Jamshedpur.	Steel chequered plates	IS: 3502-1966 Specification for steel chequered plates
8	CM/L-1409 17-3-1967	16-3-67	15-3-68	M/s Delhi Provender Mills, 14 Najafgarh Road, New Delhi-15.	Poultry feeds; growing, laying and starting	IS: 1374-1964 Specification for poultry feeds
9	CM/L-1410 17-3-1967	16-3-67	15-3-68	M/s Delhi Provender Mills, 14 Najafgarh Road, New Delhi-15.	Balanced feed mixtures for cattle	IS: 2052-1962 Specification for balanced feed mixtures for cattle
10	CM/L-1411 27-3-1967	1-4-67	31-3-68	M/s Hind Cycles Ltd, 250 Worli, Bombay-18.	Bicycle rims of 28×1½ mm size only	IS: 624-1961 Specification for bicycle rims
11	CM/L-1412 27-3-1967	1-4-67	31-3-68	M/s Alembic Chemical Works Co Ltd, Alembic Road, Baroda-3.	BHC water dispersible powder concentrates	IS: 562-1962 Specification for BHC water dispersible powder concentrates
12	CM/L-1413 27-3-1967	1-4-67	31-3-68	M/s Alembic Chemical Works Co Ltd, Alembic Road, Baroda-3.	Endrin emulsifiable concentrates	IS: 1310-1958 Specification for endrin emulsifiable concentrates
13	CM/L-1414 27-3-1967	1-4-67	31-3-68	M/s Orient Iron & Steel Co (P) Ltd, 2 Height Road, Liluah, Howrah.	Structural steel, (standard quality)	IS: 226-1962 Specification for structural steel (standard quality) (third revision)
14	CM/L-1415 27-3-1967	1-4-67	31-3-68	M/s Orient Iron & Steel Co. (P) Ltd, 2 Height Road, Liluah, Howrah.	Structural steel (ordinary quality)	IS: 1977-1962 Specification for structural steel (ordinary quality)
15	CM/L-1416 27-3-1967	1-4-67	31-3-68	M/s. Delhi Iron & Steel Co Pvt. Ltd. Grand Trunk Road, Ghaziabad, Distt Meerut.	Structural steel (standard quality)	IS: 226-1962 Specification for structural steel (standard quality) (third revision)
16	CM/L-1417 27-3-1967	1-4-67	31-3-68	M/s Delhi Iron & Steel Co Pvt Ltd, Grand Turnk Road, Ghaziabad, Distt Meerut.	Structural steel (ordinary quality)	IS: 1977-1962 Specification for structural steel (ordinary quality)
17	CM/L-1418 27-3-1967	1-4-67	31-3-68	M/s Omega Insulated Cable Co. (India) Ltd, Plot No. 16 & 17, Industrial Estate, Ambattur, Madras-53 having their office at 1-A Nungambakam High Road, Madras-34.	Polythene insulated and PVC sheathed cables with aluminium conductors (single core only)	IS: 1596-1962 Specification for polythene insulated and PVC sheathed cables


18	CM/L-1419 28-3-1967	1-4-67	31-3-68	The Indian Steel Rolling Mills, Ltd, Main Road, Tiruninravur, (Chingleput Distt)	Structural steel (ordinary quality)	IS: 1977-1962 Specificaiton for struc- tural steel (ordinary quality)
19	CM/L-1420 28-3-1967	1-4-67	31-3-68	The Indian Steel Rolling Mills Ltd, Main Road, Tiruninravur, (Chingleput Distt)	Structural steel (standard quality)	IS: 226-1962 Specification for struc- tural steel (standard quality) (third revision)
20	CM/L-1421 30-3-1967	1-4-67	31-3-68	M/s Shembekar Industries, Chinchwad, Poona.	Three-phase induction motors upto 3 hp	IS: 325-1961 Specification for three- phase induction motors (second revision)
21	CM/L-1422 30-3-1967	1-4-67	31-3-68	The Bhatia Steel & Engg Co Pvt Ltd, 106 & 106/1 Dharamtola Road, (Salkia), Howrah.	Structural steel (standard quality)	IS: 226-1962 Specification for struc- tural steel (standard quality) (third revision)
22	CM/L-1423 30-3-1967	1-4-67	31-3-68	The Bhartia Steel & Engg Co Pvt Ltd, 106 & 106/1 Dharamtola Road, (Salkia), Howrah.	Structural steel (ordinary quality)	IS: 1977-1962 Specification for struc- tural steel (ordinary quality)

[No. MD/33: 16.]

S.O. 1532.—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955, the Indian Standards Institution hereby notifies that the Standard Mark, design of which together with the verbal description of the design and the title of the relevant Indian Standard is given in the Schedule hereto annexed, has been specified.

This Standard Mark for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the Rules and Regulations framed thereunder, shall come into force with effect from 1st April 1967.

THE SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Product	No. and Title of the Relevant Indian Standard	Verbal description of the design of the Standard Mark
1	2	3	4	5
1	IS:3502 	Steel chequered Plates	IS: 3502—1966 Specification for steel chequered plates	The monogram of the Indian Standards Institution consisting of letters 'ISI' drawn in the exact style and relative proportions as indicated in col. (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.

[No. MD/17: '27]

S.O. 1533.—In pursuance of sub-regulations (2) and (3) of regulation 3 of the India Standards Institution (Certification Marks) Regulations, 1955, the Indian Standard Institution hereby notifies that the Indian Standard (s), particulars of which are given in the Schedule hereto annexed have been established during the period 16 March to 15 April 1967.

THE SCHEDULE

Sl. No.	No. and Title of the Indian Standard Established	No. and Title of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Brief Particulars
1	2	3	4
1	IS:374—1966 Specification for electric ceiling type fans and regulators (<i>second revision</i>)	IS:374—1960 Specification for electric ceiling fans and regulators (<i>revised</i>)	This standard specifies the requirements and methods for tests of capacitor type ac single-phase ceiling fans as well as dc ceiling fans including the associated speed regulators. (Price Rs 4.00)
2	IS:742—1966 Specification for zinc base alloy die castings (<i>first revision</i>)	IS:742—1955 Specification for zinc base alloy die castings	This standard covers the requirements for two grades of zinc base alloy die castings, namely, Alloy 1 die casting and Alloy 2 die casting. (Price Rs 2.00)
3	IS:897—1966 Specification for tungsten filament electric lamps for railway rolling stock (<i>first revision</i>)	IS:897—1957 Specification for tungsten filament electric lamps for railway rolling stock	This standard covers the technical requirements and methods of test for tungsten filament electric lamps for railway rolling stock. (Price Rs. 4.00)
4	IS:1045—1966 Specification for light cotton fabric for covering surfaces of aircraft (<i>first revision</i>)	IS: 1045—1957 Specification for cotton fabric for covering plywood in aircraft.	This standard prescribes constructional details and other particulars of light cotton fabric, scoured or scoured and rot-proofed. (Price Rs. 1.50)

1	2	3	4
5	IS:1284—1966 Specification for wrought aluminium and aluminium alloys, bolt and screw stock (for general engineering purposes) (<i>revised</i>)	IS:1284—1959 Specification for wrought aluminium alloys, bolt and screw stock for general engineering purposes	This standard covers the requirements of bolt and screw stock made from four wrought aluminium alloys in various conditions. (Price Rs. 4.00)
6	IS:3609—1966 Specification for chrome molybdenum steel, seamless, boiler and superheater tubes	..	This standard covers the requirements of different types of chrome molybdenum steel, seamless, boiler and superheater tubes. (Price Rs 3.50)
7	IS:3639—1966 Specification for fittings and accessories for power transformers	..	This specifications covers the following accessories for use with transformers covered by IS:1180—1964 and IS 2026—1962: (a) Valves and valve flangey (b) Flanges for Bucholz rela (c) Breather pipe, (d) Thermometer pockets, (e) Level indicator, (f) Rollers, and (g) Earthing terminals. (Price Rs. 2.00)
3	IS:3723—1966 Specification for capacitors for radio interference suppression	..	This standard relates to fixed capacitors for radio interference suppression, intended for apparatus and machines to be connected to supply mains of nominal voltage not exceeding 500 volts dc or ac (rms) between conductors or 250 volts dc or ac (rms) between any one conductor and earth and a frequency not exceeding 100 c/s, and in such apparatus and machines the capacitors may be directly connected with the supply mains. (Price Rs. 6.00)
9	IS:3762—1966 Specification for metal waste paper bins.	..	This standard lays down the requirements for materials, sizes, construction and finish of metal waste paper bins. (Price Re 1.00)
10	IS:3790—1966 Specification for hessian bags	..	This standard prescribes the constructional details and other particulars of hessian bags fabricated from hessian. (Price Rs. 3.00)
11	IS:3791—1966 Specification for metal paper trays	..	This standard lays down the requirements for materials size, construction and finish of metal paper tray. (Price Re. 1.00)
12	IS:3800—1966 Specification for batting gloves	..	This standard covers materials, dimensional and constructional requirements for cricket batting gloves (Price Rs. 1.50)

1	2	3	4
13	IS:3809—1966 Fire resistance test of structures	..	This standard lays down the method of test for determining fire resistance property of built-up elements of building, structures and enables grading of these elements according to their ability to resist fire. (Price Rs. 2.00)
14	IS:3818—1966 Specification for continuous (piano) hinges	..	This standard lays down the requirements for continuous (piano) hinges. (Price Rs. 1.50)
15	IS:3822—1966 Specification for eye hooks for use with chains	..	This standard covers the requirements of mild steel and higher tensile steel eye hooks for use respectively with grade 30 chains or chains conforming to IS: 3109—1965. (Price Rs. 2.00)
16	IS:3823—(Part I)—1966 Methods of evaluating static load ratings of rolling bearings Part I radial ball bearings	..	This standard (Part I) covers the method of evaluating static load ratings for radial ball bearings. (Price Re. 1.00)
17	IS:3823 (Part II)—1966 Methods of evaluating static load ratings of rolling bearings Part II radial roller bearings	..	This standard (Part II) covers the method of evaluating static load ratings for radial roller bearings. (Price Re. 1.00)
18	IS:3823 (Part IV)—1966 Methods of evaluating static load ratings of rolling bearings Part IV thrust roller bearings	..	This standard (Part IV) covers the method of evaluating static load ratings for thrust roller bearings. (Price Re. 1.00)
19	IS:3824 (Part III)—1966 Methods of evaluating dynamic load ratings of rolling bearings Part III thrust ball bearings	..	This standard (Part III) covers the method of evaluating dynamic load ratings for thrust ball bearings. (Price Re. 1.00)
20	IS:3832—1966 Specification for hand-operated chain pulley blocks	..	This standard lays down the general requirements of the hand-operated chain pulley blocks, worm or spur gear type. (Price Rs. 2.50)
21	IS:3833—1966 Specification for flyer bobbins	..	This standard prescribes requirements of flyer bobbins suitable for use on cotton speed frames having lift from 175 to 350 mm. in steps of 25 mm. (Price Rs. 2.50)
22	IS : 3836—1966 Code of practice for fire safety of industrial buildings : jute mills	..	This standard covers the essential requirements for the fire safety of jute spinning and weaving and processing mills ; jute rope and carpet making factories. (Price Rs. 3.00)

1	2	3	4
23	IS : 3842 (Part III)—1966 Application guide for electrical relays for ac systems Part III phase unbalance relays including negative phase sequence relays]	..	This guide (Part III) deals, with application of phase unbalance relays, including negative phase sequence relays, for ac systems covered by IS : 3231—1965 (Price Rs. 3.00)
24	IS : 3842 (Part IV)—1966 Application guide for electrical relays for ac systems Part IV thermal relays	..	This guide (Part IV) deals with application of thermal relays for ac systems covered by IS : 3231—1965. (Price Rs. 5.00)
25	IS : 3865—1966 Specification for beer	..	This standard prescribes the requirements and methods of test and analysis for beer. (Price Rs. 2.50)
26	IS : 3871—1966 Glossary of terms relating to fibre ropes and cordages	..	This standard prescribes definitions of terms relating to various types of ropes and cordages made from natural and man-made fibres or filaments. (Price Rs. 4.50)
27	IS : 3882—1966 Specification for tomato ketchup	..	This standard prescribes the requirements and the methods of test for tomato ketchup. (Price Rs. 2.50)
28	IS : 3885 (Part I)—1966 Specification for steel for the manufacture of laminated springs (railway rolling stock) Part I flat sections	..	This standard covers the requirements for hot-rolled steel flats intended to be used for the manufacture of laminated springs for railway rolling stock. (Price Rs. 2.00)
29	IS : 3893—1966 Specification for slides for direct microscopic count of milk	..	This standard prescribes the requirements and methods of test for microscopic slides delineated with one square centimetre circular or square areas, used for direct microscopic count of milk. (Price Rs. 1.50)
30	IS : 3895—1966 Specification for monocrystalline semiconductor rectifier cells and stacks	..	This standard applies to monocrystalline semiconductor rectifier cells and stacks having a rated output per cell of 10 W. and above used in power diodes for supplying dc power from ac sources at frequencies up to 2000 c/s and voltages not exceeding 5000 V. (Price Rs. 4.50)
31	IS : 3897—1966 Specification for sprayer, atomizer type, hand- operated	..	This standard prescribes the materials of construction, performance requirements and the methods for testing the performance of the hand-operated sprayer, atomizer type. (Price Rs. 2.50)

1	2	3	4
32	IS : 3898—1966 Specification for zineb, technical	..	This standard prescribes the requirements and the methods of test for zineb, technical. (Price Rs. 3.00)
33	IS : 3924—1966 Specification for benzyl alcohol	..	This standard prescribes the requirements and the methods of sampling and test for benzyl alcohol used as a solvent in perfumer industry. (Price Re. 1.00)
34	IS 3925—1966 Specification for eugenol		This standard prescribes the requirements and the methods of sampling and test for eugenol. (Price Re. 1.00)
35	IS : 3934—1966 Specification for aluminium plug type spindles for spinning and doubling frames	..	This standard prescribes the requirements for aluminium plug type spindles of spring grip type for use in wrap ring spinning frame and doubling frame having lifts from 150 to 300 mm (Price Rs. 2.00)

Copies of these Indian Standards are available, for sale, with the Indian Standards Institution, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-1 and also its branch offices at (i) Bombay Mutual Terrace, First Floor, 534 Sardar Vallabhbhai Patel Road, Bombay-7, (ii) Third and Fourth Floors, 5 Chowringhee Approach, Calcutta-13, (ii) Second Floor, Sathya-murthi Bhavan, 54 General Patters Road, Madras-2 and (iv) 117/418-B Sarvodaya Nagar, Kanpur.

[No. MD/13 2.]

S.O. 1534.—In partial modification of the then Ministry of Industry and Supply (Indian Standards Institution) notification No. S.O. 280 published in the Gazette of India, Part II, Section 3, Sub-section (ii) dated 22 March, 1958, the Indian Standards Institution hereby notifies that the marking fee per unit for Three-phase induction motors has been revised. The revised rate of marking-fee, details of which are given in the Schedule hereto annexed, shall come into force with immediate effect.

THE SCHEDULE

Sl. No.	Product/Class of Product	No. and Title of Relevant Indian Standard	Unit	Marking fee per unit
1	2	3	4	5
1.	Three-phase induction motors	IS : 325—1961 Specification for three-phase induction motors (revised)	One KW	20 paise

[No. MD/18:2.]

S. O. 1535.—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955 the Indian Standards Institution hereby notifies that the marking fee per unit for steel chequered plates, details of which are given in the Schedule hereto annexed, has been determined and the fee shall come into force with effect from 1 April 1967.

THE SCHEDULE

Sl. No.	Product/Class of Products	No. and title of relevant Indian Standard	Unit	Marking Fee per Unit
1	2	3	4	5
1	Steel chequered plates	IS : 3502—1966 Specification for steel chequered plates	One tonne	25 paise

[No. MD/18:2.]

S.O. 1536.—In pursuance of regulation 4 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that amendment(s) to the Indian Standard(s), given in the Schedule hereto annexed, have been issued under the powers conferred by sub-regulation (1) of regulation 3 of the said regulations.

THE SCHEDULE

Sl. No.	No. and title of the Indian Standard amended	No. and Date of Gazette Notification in which the establishment of the Indian Standard was notified	No. and Date of the Amendment	Brief particulars of the amendment	Date from which the Amendment shall have effect
(1)	(2)	(3)	(4)	(5)	(6)
1	IS : 209—1966 Specification for zinc (<i>second revision</i>)	S.O. 4023 dated 31 December 1966	No. 1 March 1967	Page 4, Table 1, last row, second column—Substitute '0.01' for '0.10'	31 March 1967
2	IS : 251—1962 Specification for soda ash, technical (<i>revised</i>)	S.O. 1683 dated 22 June 1963	No. 1 March 1967	Page 4, clause 4.2(a), line 3 has been amended and addition has been made at the end of clause 4.3.1	
3	IS : 278—1962 Specification for galvanized steel barbed wire for fencing (<i>revised</i>)	S.O. 483 dated 16 February 1963.	No. 1 January 1967	Page 6, clause 6.5 (page 7 of the reprint) first sentence has been substituted by a new one	Immediate effect
4	IS : 317—1959 Specification for general service automotive hydraulic brake fluid (<i>revised</i>)	S.O. 1463 dated 11 June 1960	No. 4 B March 1967	Page 3, Table, I (Page 6 of the reprint),—col. 3, entry against Sl. No. (iv) (b) see also Amendment No. 3, September 1966—Substitute '250' for '100'	
5	IS : 807—1963 Code of practice for design, manufacture, erection and testing (structural portion) of cranes and hoists	S.O. 415 dated 1 February 1964	No. 2 February 1967	(i) Page 10, table 1 has been amended (ii) Page 47 equation under clause C-1.1.1. (page 46 of the reprint) has been substituted by a new equation	
6	IS : 1200—1964 Method of measurement of building works (<i>revised</i>)	S.O. 2673 dated 28 August 1965	No. 2 February 1967	(i) Page 6, clause 2.10 (b)—Substitute 'floor two level' for 'first floor level' (ii) Page 6, clause 2.10 (c)—Substitute the following for the existing clause : 'c) From floor two level to floor three level' and so on., (iii) Page 7, clause 3.1(h), item 2—Substitute the following for the existing item : (2) Shingle and cobblestone. NOTE—Cobblestone is the rock fragment usually rounded or semirounded having maximum diameter in any one direction between 75 and 300 mm'	

				(iv) Page 10 and 12 clause 3.14 and 3.19 have been substituted.
				(v) Page 44, table 1, col. 3, against Sl. No. XVIII— <i>Substitute</i> 'Grip length' for 'Overall length'
				(vi) Page 45, clause 10.1.2.2, page 46, clauses 10.1.3, 10.1.4, 10.1.7, line 2; clause 10.2.2, line 1, page 50, clause 10.3.2, page 51, clauses 10.4.1 and 10.4.4, line 2— <i>Substitute</i> 'kilograms' for 'quintals'
				(vii) Page 10, a new clause 3.12.4 & page 7, clause 3.1(c), a new item 3 have been added
				(viii) Page 46, clause 10.2.2, line 3—Add the words 'nuts washers', between the words 'bolts' and 'distance pieces'.
7	IS : 1472 (Part II)—1962 Methods of sampling ferro-alloys, Part II	S.O. 1147 dated 20 April, 1963	No. 1 March 1967	(i) Page 3, clauses 0.3 and 0.4 have been amended
				(ii) Page 7, clause 7.1, second line,— <i>Substitute</i> '150-micron IS Sieve' for 'IS Sieve 15'
				(iii) Page 8, Table III has been amended
8	IS : 1518—1960 Method for gauging of petroleum and liquid petroleum products	S. O. 1176 dated 27 May 1961	No. 3 March 1967	(i) Page 42, Clause A-1.1 has been amended and clauses A-1.1.1 and A-1.1.2 under it.
				(ii) Page 43, clause A-1.2 has been amended and delete clause A-1.2.1 and A-1.2.2. and renumber 'Fig. 13, 14, 15' as '11, 12, 13' respectively wherever they appear in the standard.
9	IS : 1585—1960 Specification for motor gasoline, 79 octane	S. O. 2950 dated 10 December 1960	No. 1 February, 1967	(i) Page 4, Table 1 has been amended
				(ii) Page 3, clause 3.1.2.1 some additions have been made
				(iii) Page 3, a new clause after 3.1.2.3 has been added and renumber the existing clause '3.1.2.4' as '3.1.2.5'
10	IS : 1909—1961 Specification for curry powder	S.O. 1267 dated 28 April, 1962	No. 1 March 1967	Page 3, a new clause 3.1.1. has been added after 3.1
11	IS : 1993—1962 Specification for cold-reduced tinplate and cold-reduced blackplate	S.O. 2370 dated 24 August 1963	No. 1 February, 1967	Page 7, Table II and clause 10.2 have been substituted by new ones
12	IS : 2265—1963 Specification for galvanized steel wire strand for signalling purposes	S.O. 1147 dated 20 April, 1963	No. 3 December, 1966	Page 7, clause 6.5, first sentence has been substituted by a new one

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1	2	3	4	5	6
13	IS : 2388-1963 Specification for grub screws	S.O. 2460 dated August, 1963	31	No. 1 February, 1967	Page 7 Table II has been amended
14	IS : 2453-1965 Glossary of terms for toothed gearing	S.O. 2673 dated August, 1965	28	No. 1 March 1967	Page 5 and 39, ref. No. 1119 and 3116, second and third line respectively, have been amended
15	IS : 2669-1964 Specification for milling cutters for woodruff keyslots	S.O. 226 dated January 1965	16th	No. 1 March 1967	Page 5 clause 3.1 (c) <i>substitute 'b' for 'b P'.</i>
16	IS : 2827-1964 Method of calibration of pressurized storage tanks	S.O. 83 dated 2 January 1965		No. 1 March 1967	Page 4, clause 1.1, line 1 has been amended
17	IS : 3158-1965 Specification for aluminium cylindrical silver cans for spinning mills	S.O. 3322 dated October 1965	23	No. 2 March 1967	Page 4, table 1 and page 6 Table 2 have been amended
18	IS : 3622-1966 Specification for sandstone slabs for use in flooring	S.O. 241 dated 21 January 1967		No. 1 February 1967	Page 6, Table 3, col. 6 has been amended
19	IS : 3682-1966 Specification for flame proof alternating current motors for use in mines	S.O. 3818 dated 17 December 1966	17	No. 1 March 1967	(i) Page 8, Table 1, col. 4, 5 and 6 under 'TEMPERATURE-RISE FOR CLASS OF INSULATION'— <i>Substitute 'A E B' for 'A B C' respectively</i> (ii) Page 9, clause 12.2, line 2— <i>Substitute '14.3 and 14.4' for '14 and 15'</i> (iii) Page 10, Appendix A, Sl. No. 9— <i>Substitute '(squirrel-cage or slip-ring)' for '(squirrel-cage of slip-ring)'</i> (iv) Page 11, Appendix A, Sl. No. 13 (b), line 1— <i>Substitute 'which' for 'witch'</i>

31 March, 1967

Copies of these Amendment Slips are available, free of cost, with the Indian Standards Institution, Manak Bhavan, 9 Bahadur Shah Zafar Marg New Delhi-1, and also its branch offices at (i) Bombay Mutual Terrace, First Floor, 534 Sardar Vallabhbhai Patel Road, Bombay-7, (ii) Third and Fourth Floors, 5, Chowringhee Approach, Calcutta-13, (iii) Second Floor, Sathyamurthi Bhavan, 54 General Patters Road, Madras-2, and (iv) 117/418-B, Sarvodaya Nagar, Kanpur.

[No. MD/13:5]

New Delhi, the 18th April 1967

S.O. 1537.—In pursuance of sub-regulation (4) of Regulation 14 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as subsequently amended, the Indian Standards Institution hereby notifies that Certification Marks Licence No. CM/L-1134, particulars of which are given in the Schedule hereto annexed, has been *cancelled* with effect from 1 April, 1967:

THE SCHEDULE

Licence No. and Date	Name and Address of the Licensee	Article/Process Covered by the Licence	Relevant Indian Standard
CM/L-1134 31-8-1965	Unitex Company, 86/253 G.T. Road, Kanpur having their office at 11/7 Civil Lines, Kanpur	Chlordane dusting powders	IS : 2864-1964 Specification for chlordane dusting powders

[No. MD/55:1134]

S.O.1538—In pursuance of sub-regulation (1) of regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as subsequently amended, the Indian Standards Institution hereby notifies that sixty seven licences, particulars of which are given in the Schedule hereto annexed, have been renewed.

THE SCHEDULE

Serial No.	Licence No. and Date	Period of Validity		Name and Address of the Licensee	Article/Process Covered by the License	Relevant Indian Standard,
		From	To			
1	2	3	4	5	6	7
1	CM/L-7 27-12-1955	1-4-67	31-3-68	The Pioneer Magnesia Works Ltd, 113/115 Mahatma Gandhi Road, Fort, Bombay.	Magnesium chloride, grade 3	IS : 254-1962 Specification for magnesium chloride (<i>revised</i>)
2	CM/L-26 21-3-1957	1-4-67	31-3-68	M/s Carew & Co Ltd, Rossi, Distt. Shahjahanpur (U.P.).	Rectified spirit, grade 1	IS : 323-1959 Specification for rectified spirit (<i>revised</i>)
3	CM/L-120 20-3-1959	1-4-67	31-3-68	M/s Himalayan Plywood Industries Pvt Ltd, Tinsukia, Assam.	Tea-chest plywood panels	IS : 10-1964 Specification for plywood tea-chests (<i>second revision</i>)
4	CM/L-162 5-2-1960	1-4-67	31-3-68	M/s National Pipes & Tubes Co Ltd, Shamnagar, Eastern Rly, having their registered office at NICCO House, Hare Street, Calcutta-1.	(i) Naval brass rods, bars and sections (ii) Free cutting brass rods and sections (iii) High tensile brass rods and sections	(i) IS : 291-1961 Specification for naval brass rods and sections (suitable for machining and forging) (<i>revised</i>) (ii) IS : 319-1962 Specification for free cutting brass rods and sections (<i>revised</i>) (iii) IS : 320-1962 Specification for high tensile brass rods and sections (<i>revised</i>)
5	CM/L-163 5-2-1960	1-4-67	31-3-68	M/s National Pipes & Tubes Co Ltd, Shamnagar, Eastern Rly, having their registered office at NICCO House, Hare Street, Calcutta-1.	(i) Copper rods for boiler stay bolts and rivets (ii) Copper rods for electrical purposes	(i) IS : 288-1960 Specification for boiler stay bolts and rivets (<i>revised</i>) (ii) IS : 613-1964 Specification for copper rods for electrical purposes (<i>revised</i>)
6	CM/L-166 8-2-1960	1-3-67	29-2-68	M/s Andamans Timber Industries Ltd, Vill. Ganipur, P. S. Maheshtala, 24 Parganas, having their registered office at "Khaitan Chambers", 26 Chittaranjan Avenue, Calcutta-12.	Tea-chest plywood panels	IS : 10-1964 Specification for plywood tea-chests (<i>second revision</i>)

7	CM/L-170 11-3-1960	1-4-67	31-3-68	The Britannia Biscuit Co Ltd, 15 Taratola Road, Calcutta- 27.	Biscuits (excluding wafer biscuits) of the following varieties : Glaxo, Bombon, Bournvita, Dainty Cream, Nice Digestive, Orange Cream Circus, Petit Beurre, Marie, Cottage Cream, Ginger Nuts, Embassy Cream, Thin Arrowroot, Cream Crackers, Nimki, Golden Puff, Cheeselets, Brita, Zesta, Coconut Cookies, Club Snax, Fruit Cream and Horlicks.	IS : 1011-1957 for biscuits (excluding wafer biscuits)	Specification ⁿ (excluding wafer biscuits)
8	CM/L-171 11-3-1960	1-4-67	31-3-68	The Britannia Biscuit Co Ltd, Reay Road East, Bombay-10 DD.	Biscuits (excluding wafer biscuits) of the following varieties : Club Snacks, Nimki, Marie, Petit Beurre, Baby Arrowroot, Zesta, Gingernut, Princess, Nice, Digestive, Bourn Vita, Glucose, Glaxo, Custard Cream, Cottage Cream, Embassy Cream, Banana, Finger Cream, Glaxo Cream, Fruit Cream, Orange Cream, Raspberry Cream, Bombon, Brita, Binki, Zoological, Cream Crackers, Thin Arrowroot, Lemon Cream and Horlicks.	IS : 1011-1957 for biscuits (excluding wafer biscuits)	Specification (excluding wafer biscuits)
9	CM/L-172 11-3-1960	1-4-67	31-3-68	M/s Parle Products Pvt Ltd, North Level Crossing, Vile Parel, Bombay-24.	Biscuits (excluding wafer biscuits) of the following varieties : Gluco, Monaco, Bikkies, Korumba, Khara, PPC	IS : 1011-1957 for biscuits (excluding wafer biscuits)	Specification (excluding wafer biscuits)

1	2	3	4	5	6	7
10	CM/L-173 11-3-1960	1-4-67	31-3-68	M/s. Ldy Biscuit Co. Pvt. Ltd., 3, Ramakanta Sen Lane, Ultadanga, Calcutta-4.	Biscuits (excluding wafer biscuits) of the following varieties : Carniwal, Lucky, Banana, Cream, Love, Thin, Daisy, Rosy, Nonta, Lily, Zoological, Gem, Boston Cream, Charm, Custard Cream, Malts, Barley, Fruit Cream, Orange Cream, Nice, Choice, Marie, Cream Cracker and Chocolate Cream.	IS : 1011-1957 Specification for biscuits (excluding wafer biscuits)
11	CM/L-174 11-3-1960	1-4-67	31-3-68	M/s. Sarhe Biscuits & Chocolate Co. Ltd., 820 Bhavani Peth, Poona-2.	Biscuits (excluding wafer biscuits) of the following varieties : Francis, Pine apple Cream, Orange, Orange Cream, Maltex, Saltex, Gluca, Lactine, Shre wsbury, Esbik, Picnic, Raspberry Cream	IS : 1011-1957 Specification for biscuits (excluding wafer biscuits)
12	CM/L-175 14-3-1960	1-4-67	31-3-68	M/s. Camlin Private Limited, 210, Lady Jamshedji Road, Mahim, Bombay-16.	(i) Ferro-gallo tannate fountain pen ink (0.1 per cent iron content) (ii) Ferro-gallo tannate fountain pen ink (0.2 per cent iron content)	(i) IS : 220-1959 Specification for ferro-gallo tannate fountain pen ink (0.1 per cent iron content) (ii) IS : 1581-1960 Specification for ferro-gallo tannate fountain pen ink (0.2 per cent iron content)
13	CM/L-176 14-3-1960	1-4-67	31-3-68	M/s. Camlin Pvt. Ltd., 210 Lady Jamshedji Roda, Mahim, Bombay-16.	Dye-based fountain pen ink (blue, red, black and green)	IS : 1221-1957 Specification for dye-based fountain pen inks (blue, green, violet, black and red)
14	CM/L-269 30-1-1961	1-2-67	31-1-68	M/s. Flintrock Products Pvt. Ltd., Belvedere Road, Mazgaon, Bombay-10.	DDT water dispersible powder concentrates.	IS : 565-1961 Specification for DDT water dispersible powder concentrates (revised)

15	CM/L-347 29-9-1961	16-3-67	15-9-67	The Mysore Electro-Chemical Works Ltd., Rajajinagar, Yeshwantpur, Bangalore	Lead acid storage batteries (light duty) for motor vehicles	IS : 395-1962 Specification for lead-acid storage batteries (light duty) for motor vehicles (<i>second revision</i>)
16	CM/L-386 5-3-1962	16-3-67	15-3-68	The Indian Yeast Co., Ltd., Bhadrakali, Konnagar, West Bengal having their office at Bankshall Street, Calcutta-1.	Baker's yeast dried	IS : 1320-1958 Specification for baker's yeast.
17	CM/L-387 5-3-1962	16-3-67	15-3-68	M/s. Boots Pure Drug Co. (India) Ltd., Sion, Bombay-22 having their registered office at 17 Nicol Road, Bombay-1.	Copper oxychloride dusting powders	IS : 1506-1959 Specification for copper oxychloride dusting powders.
18	CM/L-389 5-3-1962	16-3-67	15-3-68	The National Insulated Cable Co. of India Ltd., Shammagar (24 Parganas, West Bengal) having their registered office at Nicco House, Hare Street, Calcutta-1.	PVC insulated cables, 250/440 and 650/1100 volts grade with copper or aluminium conductors	(i) IS : 694 (Part I) 1964 Specification for PVC insulated cables (for voltages upto 1100 volts) with copper conductor (<i>revised</i>) (ii) IS : 694 (Part II) 1964 Specification for PVC insulated cables (for voltages upto 1100 volts) with aluminium conductors (<i>revised</i>)
19	CM/L-391 20-3-62	1-4-67	31-3-70	M/s. Hindustan Steel Ltd., Durgapur Steel Project, P. O. Durgapur-3, Dt. Burdwan having their regd. office at Bihar Sectt. Building, P. O. Hinoo, Ranchi.	Structural steel (Standard quality)	IS:226-1962 Specification for structural steel (standard quality) (<i>third revision</i>)
20	CM/L-392 20-3-62	1-4-67	31-3-68	M/s. Hindustan Steel Ltd., Durgapur Steel Project, P. O. Durgapur-3, Dt. Burdwan having their regd. office at Bihar Sectt. Building, P. O. Hinoo, Ranchi.	Mild steel and medium tensile steel bars for concrete reinforcement.	IS: 432-1960 Specification for mild steel and medium tensile steel bars and hard drawn steel wire for concrete reinforcement (<i>revised</i>)

1	2	3	4	5	6	7
21	CM/L-393 20-3-62	1-4-67	31-3-68	M/s. Hindustan Steel Ltd., Durgapur Steel Project, P.O. Durgapur-3, Dt. Burdwan having their regd. Office at Bihar Sectt. Building, P. O. Hinoo, Ranchi.	Structural Steel (high tensile)	IS:961-1962 Specification for structural steel (high tensile) (revised).
22	CM/L-394 20-3-62	1-4-67	31-3-68	M/s. Hindustan Steel Ltd., Durgapur Steel Project, P.O. Durgapur-3, Dt. Burdwan having their regd. office at Bihar Sectt. Building, P. O. Hinoo, Ranchi.	Rivet bars for structural pur- poses	IS:1148-1964 Specification for rivet bars for structural purpo- ses (revised).
23	CM/L-395 20-3-62	1-4-67	31-3-68	M/s. Hindustan Steel Ltd., Durgapur Steel Project, P.O. Durgapur-3, Dt. Burdwan, having their regd. office at Bihar Sectt. Building, P. O. Hinoo, Ranchi.	High tensile rivet bars for structural purposes	IS : 1149-1964 Specification for high tensile rivet bars for struc- tural purposes (revised)
24	CM/L-475 27-11-62	1-4-67	31-3-68	M/s. V.Gopalakrishnan Chettiar & Co., Proprietors: M/s. Madura Metal Products, 32, 32A- Bridge Station Road, Sellur, Tallakulam P. O., Madurai-2.	Wrought aluminium circles, grades S1B and SiC	IS:21-1959 Specification for wrought aluminium and alu- minium alloy for utensils (second revision).
25	CM/L-507 21-2-63	16-3-67	15-3-68	M/s. Geo Industries & Insec- ticides (India) Pvt. Ltd., Field No.82/3(a)Sathankadu, Kaladipet, Madras-19.	DDT dusting powders	IS:564-1961 Specification for DDT dusting powders (revised).
26	CM/L-508 25-2-63	16-3-67	15-3-68	M/s. Tata Fison Industries Ltd., Palluruthy, Cochin-5, having their office at Union Bank Building, Dalal Street, Fort, Bombay-1.	Endrin emulsifiable concentrates	IS:1310-1958 Specification for endrin emulsifiable concentrate.

2	3	4	5	6	7																																	
29	CM/L-514 7-3-63	16-3-67	15-3-68	The Indian Tool Manufacturers Ltd., 101, Sion Road, Bombay-22.	Parallel shank (short series) and taper shank twist drills	IS:599-1960 Specification for twist drills (revised).																																
30	CM/L-515 15-3-63	1-4-67	31-3-68	M/s. A.M. Rehmani, 1863/Kalupur, Panchpatty, Ahmedabad —1.	Dye-based fountain pen inks, blue, green, red and black.	IS:1221-1957 Specification for dye-based fountain pen inks (blue, green, violet, black and red).																																
31	CM/L-516 21-3-63	1-4-67	31-3-68	M/s. Henley Cables India Ltd., Hadapsar Industrial Estate, Sholapur Road, Poona-1 having their regd. office at Henley House, Ballard Estate, Bombay-1.	<table><thead><tr><th>Type</th><th>Voltage Grade</th><th>Conductor</th></tr></thead><tbody><tr><td>(a) VIR cables for fixed wiring</td><td></td><td></td></tr><tr><td>(i) Tough rubber sheathed</td><td>250/440 & 650/1 100 volts</td><td rowspan="3">Copper or Aluminium</td></tr><tr><td>(ii) Braided and compound-ed</td><td>250/440 & 650/1 100 volts</td></tr><tr><td>(iii) Weatherproof</td><td>250/440 volts</td></tr><tr><td>(iv) Weatherproof</td><td>650/1 100 volts</td><td>Aluminium only</td></tr><tr><td>(v) Flame retarding</td><td>250/440 & 650/1 100 volts</td><td>Aluminium only</td></tr><tr><td>(b) VIR flexible cables</td><td></td><td></td></tr><tr><td>(vi) TRS welding cables</td><td>..</td><td>Copper only</td></tr><tr><td>(c) VIR flexible Cords</td><td></td><td></td></tr><tr><td>(vii) Twin twisted 'domestic type'</td><td rowspan="2">250/440 volts</td><td rowspan="2">Copper only</td></tr><tr><td>(viii) Tough-rubber sheathed</td></tr></tbody></table>	Type	Voltage Grade	Conductor	(a) VIR cables for fixed wiring			(i) Tough rubber sheathed	250/440 & 650/1 100 volts	Copper or Aluminium	(ii) Braided and compound-ed	250/440 & 650/1 100 volts	(iii) Weatherproof	250/440 volts	(iv) Weatherproof	650/1 100 volts	Aluminium only	(v) Flame retarding	250/440 & 650/1 100 volts	Aluminium only	(b) VIR flexible cables			(vi) TRS welding cables	..	Copper only	(c) VIR flexible Cords			(vii) Twin twisted 'domestic type'	250/440 volts	Copper only	(viii) Tough-rubber sheathed	(i) IS:434 (Part I)-1964 Specification for rubber insulated cables with copper conductors (revised). (ii) IS:434 (Part II) 1964 Specification for rubber insulated cables with aluminium conductors (revised).
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(viii) Tough-rubber sheathed																																						

(ix) Braided and compounded (work-shop type)

32	CM/L-523 27-3-63	1-4-67	31-3-68	M/s. Kamrup Industries Pvt. Ltd., 9, Old Court House Street, Calcutta-1 (Factory at 96, Mohendra Banerji Road, Behala, Calcutta-34)	Tea-chest plywood panels	IS : 10-1964 Specification for plywood tea-chests (second revision)
33	CM/L-629 18-2-64	16-3-67	15-3-68	M/s. Usha Martin Black (Wire Ropes) Ltd., Tatisilwai, Ranchi having their regd. office at 14, Princep Street, Calcutta-13.	(i) Steel wire ropes for winding purposes in mines. (ii) Steel wire ropes for haulage purposes in mines.	(i) IS: 1855-1961 Specification for steel wire ropes for winding purposes in mines. (ii) IS: 1856-1961 Specification for steel wire ropes for haulage purposes in mines.
34	CM/L- 631 21-2-1964	1-4-67	31-3-68	M/s. Bayer (India) Ltd., Off Cadell Road, Bombay-28 having their regd. office at Nagin Mahal, 6th Floor, Veer Nariman Road, Fort, Bombay-1.	Formulations based on stabilized methoxy ethyl mercury chloride concentrates.	IS : 2358-1963 Specification for formulations based on stabilized methoxy ethyl mercury chloride concentrates.
35	CM/L-637 26-2-64	16-3-67	15-3-68	The Mysore Iron & Steel Ltd., Bhadravati (Mysore State).	Structural steel (standard quality)	IS: 226-1962 Specification for structural steel (standard quality) (third revision).
36	CM/L-638 26-2-64	16-3-67	15-3-68	The Mysore Iron & Steel Ltd., Bhadravati (Mysore State).	Structural steel (ordinary quality)	IS: 1977-1962 Specification for structural steel (ordinary quality).
37	CM/L-640 27-2-64	1-4-67	31-3-68	M/s. Bharat Pulverising Mills Pvt. Ltd., "Hexamar House", 28, Sayani Road, Bombay-28.	Copper oxychloride water dispersible powder concentrates	IS: 1507-1959 Specification for copper oxychloride water dispersible powder concentrates.
38	CM/L-641 27-2-64	1-4-67	31-3-68	M/s. Arim Metal Industries Pvt. Ltd., 23, Convent Road, Calcutta-14.	Nickel anodes for electroplating	IS: 1958-1961 Specification for nickel anodes for electroplating.

(1)	(2)	(3)	(4)	(5)	(6)	(7)
39	CM/L-741 10-7-1964	1-4-67	31-3-68	M/s. Himachal Govt. Rosin & Turpentine Factory, Nahan (Himachal Pradesh)	Gum spirit of turpentine grades 1 and 2	IS: 533-1954 Specification for gum spirit of turpentine (oil of turpentine)
40	CM/L-751 30-7-1964	1-4-67	31-3-68	M/s. Himachal Govt. Rosin & Turpentine Factory, Nahan (Himachal Pradesh)	Rosin (gum rosin) types—pale, medium and dark	IS: 553-1955 Specification for rosin (gum rosin).
41	CM/L-773 24-8-1964	16-2-67	15-2-68	M/s. Ramkrishnan Kulwant Rai, 15/16, Kondi Chetty Road, Madras-1.	Structural steel (ordinary quality)	IS: 1977-1962 Specification for structural steel (ordinary quality)
42	CM/L-973 30-11-1964	1-12-66	30-11-67	M/s. Nellimarla Jute Mills Co. Ltd., Nellimarla, Visakhapatnam having their office at 3 Netaji Subhas Rd., Calcutta-1.	Jute hessian	IS: 2818-1964 Specification for Indian hessian
43	CM/L-974 30-11-1964	1-12-66	30-11-67	M/s. Nellimarla Jute Mills Co. Ltd., Nellimarla, Visakhapatnam having their office at 3 Netaji Subhas Rd., Calcutta-1.	Jute sackings	(i) IS: 1943-1964 Specification for A-twill jute bags (revised) (ii) IS: 2566-1965 Specification for B-twill jute bags (revised) (iii) IS: 2874-1964 Specification for heavy cee jute bags (iv) IS: 2875-1964 Specification for jute corn sacks.
44	CM/L-1015 26-2-1965	16-3-67	15-3-68	M/s. Capstan Meters (India) Ltd., Tonk Road (Near Durgapura) Jaipur having their office at 52, Janpath, New Delhi.	Water meteres (domestic type) (a) Dry-dial type—15 mm, 20 mm, 25 mm and 40 mm sizes. (b) Wet-dial type—15 mm size	IS: 779-1965 Specification for water metres (domestic type) (second revision)
45	CM/L-1016 26-2-1965	16-3-67	15-3-68	M/s. National Electro Mechanical Co., Dhebarbhai Road, Rajkot-2.	Three-phase induction motors up to 3 hp only.	IS: 325-1961 Specification for three-phase induction motors (second revision)

46	CM/L-1020 4-3-1965	1-4-67	31-3-68	M/s. Indodan Milk Products Ltd., Budhana Road, Muzzaffarnagar (U. P.) having their regd. office at P-38 India Exchange Place, Calcutta-1.	Condensed milk, full-cream, sweetened	IS: 1166-1967 Specification for condensed milk, (full-cream, sweetened)
47	CM/L-1022 9-3-1965	1-4-67	31-3-70	M/s. Hindustan Steel Ltd., Durgapur Steel Plant, P.O. Durgapur-3 Distt. Burdwan (West Bengal) having their regd. office at P.O. Hinoo, Ranchi.	Carbon steel bars, billets, blooms and slabs for forgings	IS: 1875-1961 Specification for carbon steel bars, billets, blooms and slabs for forgings.
48	CM/L-1023 9-3-1965	1-4-67	31-3-70	M/s. Hindustan Steel Ltd., Durgapur Steel Plant, P. O. Durgapur-3, Distt. Burdwan (West Bengal) having their regd. office at P.O. Hinoo, Ranchi.	Carbon steel billets for re-rolling into structural steel (standard quality).	IS: 2830-1964 Specification for carbon steel billets for re-rolling into structural steel (Standard quality).
49	CM/L-1024 9-3-1965	1-4-67	31-3-70	M/s. Hindustan Steel Ltd., Durgapur Steel Plant, P. O. Durgapur-3, Distt. Burdwan (West Bengal) having their regd. office at P.O. Hinoo, Ranchi.	Carbon steel billets for re-rolling into structural steel (ordinary quality)	IS: 2831-1964 Specification for carbon steel billets for re-rolling into structural steel (ordinary quality).
50	CM/L-1038 22-3-1965	1-4-67	31-3-68	M/s. Bharat Pulverising Mills, Pvt. Ltd., Hexamar House, 28 Sayani Road, Bombay-28.	DDT emulsifiable concentrates	IS: 633-1956 Specification for DDT emulsifiable concentrates
51	CM/L-1045 26-3-1965	1-4-67	31-3-68	M/s. Lucky Acid & Chemical Works, 32/2 Murari Pukur Rd., Calcutta-4.	Hydrochloric acid, technical, pure and analytical reagent grades.	IS: 265-1965 Specification for hydrochloric acid (<i>revised</i>)
52	CM/L-1209 15-2-1966	1-4-67	31-3-68	M/s. Hindustan Kokoku Wire Ltd., 12th Milestone, Delhi-Mathura Road, Faridabad, Distt. Gurgaon (Pb.)	Steel wire for the core of steel-cored aluminium conductors for overhead power transmission purposes.	IS: 398-1961 Specification for hard-drawn stranded aluminium and steel-cored aluminium conductors for overhead power transmission purposes
53	CM/L-1215 28-2-1966	16-3-67	15-3-68	The Mysore Iron & Steel Ltd., Bhadravati (Mysore State).	Structural steel (fusion welding quality).	IS: 2062-1962 Specification for structural steel (fusion welding quality).
54	CM/L-1216 28-2-1966	16-3-67	15-3-68	The Mysore Iron & Steel Ltd., Bhadravati (Mysore State)	Carbon steel bars, billets, blooms and slabs for forgings.	IS: 1875-1961 Specification for carbon steel bars, billets, blooms and slabs for forgings.

(1)	(2)	(3)	(4)	(5)	(6)	(7)
55	CM/L-1218 2-3-1966	16-3-67	15-3-68	M/s. United Wire Ropes Ltd., Marutikumar Road, Panch- pakhadi, Thana having their office at 43-Tamarind Lane, Fort, Bombay-I.	(i) Steel wire ropes for haulage purposes in mines. (ii) Steel wire ropes for wind- ing purposes in mines.	(i) IS: 1856-1961 Specification for steel wire ropes for haulage purposes in mines. (ii) IS: 1855-1961 Specification for steel wire ropes for winding purposes in mines.
56	CM/L-1219 3-3-1966	1-4-67	31-3-68	M/s. Modi Arc Electrodes Co., Modinagar, Distt. Meerut (U.P.)	Covered electrodes for metal arc welding of mild steel, normal penetration type.	IS: 814-1963 Specification for covered electrodes, for metal arc welding of mild steel (revised).
57	CM/L-1220 3-3-1966	16-3-67	15-3-68	M/s. J. K. Steel Ltd., Rishra, Distt. Hooghly (West Benal) having their office at 18-Rabin- dra Sarani, Calcutta-I.	(i) Steel wire ropes for haulage purposes in mines. (ii) Steel wire ropes for winding purposes in mines.	(i) IS: 1856-1961 Specification ⁿ for steel wire ropes for haulage purposes in mines. (ii) IS: 1855-1961 Specification for steel wire ropes for winding purposes in mines.
58	CM/L-1223 9-3-1966	16-3-67	15-3-68	M/s. Calcutta Plywood Mfg. Co., P. O. Ledo, Distt. Lakhimpur, (Assam) having their office at P-46A, C.I.T. Scheme XLV, Radhabazar Lane, Calcutta-I.	Tea-chest plywood panels.	IS: 10-1964 Specification for ply- wood tea-chests (second revision).
59	CM/L-1224 9-3-1966	1-4-67	31-3-68	M/s. J. B. Advani-Oerlikon Pvt. Ltd., Agra Road, Bhandup, Bombay having their office at Radia House, 6-Rampart Row, Fort, Bombay-I.	Covered electrodes for metal arc welding of mild steel, normal penetration type.	IS: 814-1963 Specification for covered electrodes for metal arc welding of mild steel (revised).
60	CM/L-1225 11-3-1966	16-3-67	15-3-68	M/s. J. J. H. Industries Pvt. Ltd., 9-Transport Depot Road, (Hide Road Extension), Cal- cutta-27.	Hard-drawn stranded aluminium and steel-cored aluminium conductors for overhead power transmission purposes.	IS: 398-1961 Specification for hard-drawn stranded alumi- nium and steel-cored aluminium conductors for overhead power transmission purposes (revised).
61	CM/L-1226 11-3-1966	16-3-67	15-3-68	M/s. Bindawala Industrial Corpn, Rishra, Hooghly having their office at 6-Hanspukur 1st Lane, Calcutta-7.	Hard-drawn stranded aluminium and steel-cored aluminium conductors for overhead power transmission purposes.	IS: 398-1961 Specification for hard-drawn stranded alumi- nium and steel-cored aluminium conductors for overhead power transmission purposes (revised).

62	M/L-1227 11-3-1966	16-3-67	15-3-68	M/s. Nahan Foundry Ltd., Nahan, Distt. Sirmur (Hima- chal Pradesh).	Three phase induction motors up to 15 h.p. only.	IS: 325-1961 Specification for three-phase induction motors (second revision).
63	CM/L-1228 17-3-1966	1-4-67	31-3-68	M/s. Prakash Pulverising Mills, Industrial Area, Alwar (Rajas- than).	Aldrin dusting powders.	IS: 1308-1958 Specification for aldrin dusting powders.
64	CM/L-1230 23-3-1966	1-4-67	31-3-68	The Indian Iron & Steel Co. Ltd., Burnpur Works, P.O. Burnpur, Distt. Burdwan (West Bengal) having their office at 12-Mis- sion Row, Calcutta-1.	Rivet bars for structural purposes	IS: 1148-1964 Specification for rivet bars for structural purposes (revised).
65	CM/L-1231 25-3-1966	1-4-67	31-3-68	M/s. Special Steels Ltd., Datta- para Road, Borivli, Bombay-66.	Galvanized armour wires for electric cables.	(i) IS: 434 (Part-I)-1964 Specifi- cation for rubber insula- ted cables with copper conductors (revised). (ii) IS: 434 (Part-II)-1964 Spe- cification for rubber insula- ted cables with aluminium conductors (revised). (iii) IS: 692-1965 Specification for paper insulated lead- sheathed cables for elec- tricity supply (revised). (iv) IS: 1554 (Part-I)-1964 Speci cation for PVC insu- lated (heavy duty) electric cables for working voltages up to and including 1100 volts (revised).
66	CM/L-1234 29-3-1966	1-4-67	31-3-68	M/s. Mehsana Distt. Co-opera- tive Milk Producer's Union Ltd., Sudhsagar Dairy, State Highway, Mehsana (North Gujarat).	Milk powder (whole and skim)	IS: 1165-1957 Specification for milk powder (whole and skim).
67	CM/L-1236 1-4-1966	1-4-67	31-3-68	M/s. Ruby Rubber Works Ltd., Rubynagar Post Office, Chan- ganacherry (Kerala State).	Bicycle rubber tubes	IS: 2415-1963 Specification for bicycle rubber tubes.

S.O. 1539.—The Certification Marks Licences, details of which are given hereafter, have lapsed or their renewal deferred :

Serial No.	Licence No. and Date	Licensee's Name and Address	Article/Process and the Relevant IS : No.	S.O. No. & Date of the Gazette Notifying Grant of Licence	Remarks
(1)	(2)	(3)	(4)	(5)	(6)
1	CM/L-225 16-9-1960	Veneer Mills Pvt. Ltd., Tinsukia (Assam).	Tea-chest plywood panels— IS : 10-1964	S.O. 2495 15-10-1960	Deferred after 31-3-1967.
2	CM/L-279 27-2-1961.	Jawala Flour Mills, 33, Najafgarh Industrial Area, New Delhi-15.	Maida, grade high gluten— IS : 1009-1957	S.O. 567 18-3-1961	Lapsed after 28-2-1967.
3	CM/L-280 13-3-1961	Jayshree Plywoods, Prop. Jayshree Tea Industries Ltd. India Exchange, Calcutta.	Tea-chest plywood panels— IS : 10-1964	S.O. 816 15-4-1961	Deferred after 15-3-1967.
4	CM/L-384 14-2-1962	Khalsa Foundry & Workshop Co-operative Industry Society Ltd., Sultanpur Lodhi, Kapurthala ((Pb.))	Small AC and universal electric motors with class 'A' insulation— IS : 996-1959	S.O. 751 17-3-1962	Deferred after 28-2-1967.
5	CM/L-388 5-3-1962	Prabhat Udyog Ltd., Prabhat Udyog Nagar, Ghodbunder Road, Jogeshwari, Bombay-60.	Oil pressure stoves— IS : 1342-1964	S.O. 751 17-3-1962	Deferred after 15-3-1967.
6	CM/L-497 11-1-1963	Devidayal Tube Industries P. Ltd., 71 Kanjur Village Road, Bhandup, Bombay.	Free cutting brass rods and sections— IS : 319-1962	S.O. 484 16-2-1963	Lapsed after 15-2-1967.
7	CM/L-571 23-8-1963	Multiple Core Solders Pvt. Ltd., 69, Main Road, Whitefield, Bangalore.	Rosin cored solder wire, activated (non-corrosive) grade 40/60—IS : 1921-1964	S.O. 2719 21-9-1963	Lapsed after 14-9-1964.
8	CM/L-583 24-9-1963	Standard Flour & Oil Mills Pvt. Ltd., Ganj Basoda (M.P.)	Maida, grade high gluten—IS : 1009-1957	S.O. 2959 19-10-1963	Lapsed after 30-11-1966.
9	CM/L-617 10-1-1964	The Bhor Industries Ltd., 392 Cadel Road, Bombay.	Vinyl coated fabrics (leather cloth), all grades— IS : 1259-1962	S.O. 2959 19-10-1963	Deferred after 15-2-1967.
10	CM/L-618 10-1-1964	Indian Malleable Casting Ltd., P.O. Domchanch, Distt. Hazari Bagh (Bihar).	Bicycle frames—IS : 623-1963	S.O. 608 22-2-1964	Deferred after 15-2-1967.
11	CM/L-630 21-2-1964	Skyone Electricals (India), 43, Industrial Area, Faridabad.	Light duty cables for motor vehicles— IS : 2465-1963	S.O. 943 21-3-1964	Lapsed after 15-3-1967.
12	CM/L-639 27-2-1964	Power Cables Pvt. Ltd., Kalyan (Maharashtra).	PVC insulated (heavy duty) armoured cables for working voltages up to and including 100 volts (with aluminium conductors only)—IS : 1554 (Part D)—1964.	S.O. 943 21-3-1964	Deferred after 31-3-1967.
13	CM/L-642 4-3-1964	National Laminators, Agarpara, P.O. Kamarhatti, 24 Parganas (W. Bengal).	Bitumen-felts, type 3, grades 1 and 2— IS : 1322-1959	S.O. 1371 18-4-1964	Deferred after 31-3-1967.
14	CM/L-734 29-6-1964	Saraswati Steel Rolling Mills, Jullundur City (Punjab)	Structural steel (standard quality)— IS : 226-1962	S.O. 2590 1-8-1964	Lapsed after 31-7-1966.

15	CM/L-735 29-6-1964	Saraswati Steel Rolling Mills, Jullundur City (Punjab).	Structural steel (ordinary quality)—IS : 1977-1962	S.O. 2590 1-8-1964	Lapsed after 31-7-1966.
16	CM/L-790 30-9-1964	Mehta Chemicals, 58 Mount Road, Guindy, Madras-15.	Sulphuric acid, pure and analytical reagent grades—IS : 266-1961	S.O. 3762 31-10-1964	Deferred after 31-3-1967.
17	CM/L-842 28-11-1964	Bengal Jute Mills Co. Ltd., 493 G.T. Road (North), Shibpur, Howrah.	Jute hessian—IS : 2818-1964		
18	CM/L-843 28-11-1964	Bengal Jute Mills Co. Ltd., 493, G.T. Road (North), Shibpur, Howrah.	(1) A-twill jute bags—IS : 1943-1964 (2) B-twill jute bags—IS : 2566-1965, (3) Heavy cee jute bags—IS : 2874-1964 and (4) Jute corn sacks—IS : 2875-1964 Jute hessian—IS : 2818-1964		
19	CM/L-951 28-11-1964	Kelvin-Jute Co. Ltd., Broad Loom Section at Waverlay Jute Mills, Shamnagar, 24-Parganas (West Bengal).	Jute hessian—IS : 2818-1964	S.O. 79 2-1-1965	Lapsed after 30-11-1966.
20	CM/L-967 28-11-1964	Victoria Jute Mills, 15-B, Garden Reach Road, Calcutta-24.			
21	CM/L-968 28-11-1964	Victoria Jute Mills 15-B, Garden Reach Road, Calcutta-24.	(1) A-twill jute bags—IS : 1943-1964 (2) B-twill jute bags—IS : 2566-1965 (3) Heavy cee jute bags—IS : 2874-1964 and (4) Jute corn sacks—IS : 2875-1964		
22	CM/L-1001 29-1-1965	Nielcon Pvt. Ltd., 37-F, Parel Road, Cross Lane, Chinchpokli, Bombay-12.	Small AC and universal electric motors with class 'A' insulation, squirrel cage induction—IS : 996-1959	S.O. 667 27-2-1965	Lapsed after 28-2-1967.
23	CM/L-1010 10-2-1965	The Plant Protection Products Pvt. Ltd., Kodavalur (S. Rly) Nellore Distt.	Endrin emulsifiable concentrates—IS : 1310-1958	S.O. 987 27-3-1965	Deferred after 15-2-1967.
24	CM/L-1017 26-2-1965.	Ankar Industries, Jessore Road, P.O. Madhyamgram, 24-Parganas.	Dieldrin emulsifiable concentrates—IS : 1054-1962	S.O. 987 27-3-1965	Deferred after 15-3-1967.
25	CM/L-1019 26-2-1965	All India Medical Corpn, Simpoli Road, Borivli West, Bombay-66.	BHC emulsifiable concentrates—IS : 632-1958	S.O. 987 27-3-1965	Deferred after 15-3-1967.
26	CM/L-1164 8-11-1965	Apeejay Steel Casting Co. Pvt. Ltd., Netaji Subhas Road, Jullundur (Punjab).	Carbon steel billets for re-rolling into structural steel (standard quality)—IS : 2830-1964	S.O. 60 1-1-1966	Lapsed after 15-11-1966.
27	CM/L-1165 8-11-1965	Apeejay Steel Casting Co. Pvt. Ltd., Netaji Subhas Road, Jullundur (Punjab).	Carbon steel billets for re-rolling into structural steel (ordinary quality)—IS : 2831-1964		
28	CM/L-1179 15-12-1965	Apeejay Steel Casting Co. Pvt. Ltd., Netaji Subhas Road, Jullundur (Punjab).	Carbon steel bars, billets, blooms and slabs for forgings—IS : 1875-1961	S.O. 410 5-2-1966	Lapsed after 31-12-1966.
29	CM/L-1204 21-1-1966	Indian Wire Products Pvt. Ltd., Premier Nagar, Aligarh (U.P.)	Vulcanized rubber-insulated cables for fixed wiring with aluminium conductors, 250/440 volts grade only of the following types : (1) Braided and compounded (2) Tough rubber sheathed, and (3) Weatherproof (house service overhead system cables)—IS : 434 (Part-II)-1964.	S.O. 525 19-2-1966	Deferred after 31-1-1967.

(1)	(2)	(3)	(4)	(5)	(6)
30	CM/L-1212 24-2-1966	T. Manaklal Mfg. Co. Ltd., Sakl Naka, Kurla-Andheri Road, Bombay-70.	Rubber hot-water bottles, size 25 x 19 cm. IS : 1867-1961	S.O. 851 19-3-1966	Lapsed after 15-3-1967.
31	CM/L-1214 28-2-1966	Thakurdas Sureka Iron Foundry Ltd., 10 Guha Road, Ghusury, Howrah.	Cast iron flushing cisterns for water closets and urinals (bell type), high level, 15 litres capacity—IS : 774-1964.	S.O. 851 19-3-1966	Deferred after 28-2-1967.

[No. MD/33 : 16/C].

S. K. SEN,
Dy. Director General.